

DEVELOPMENT AGREEMENT

PARTIES:

- 1. City of Meridian**
- 2. Corey D. Barton, Owner**
- 3. Challenger Development, Inc., Developer**

THIS DEVELOPMENT AGREEMENT (this “**Agreement**”) is made and entered into this ____ day of _____, 20____, 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 **Corey D. Barton**, whose address is 1977 E. Overland Rd., Meridian, ID 83642, hereinafter called “**OWNER**,” and **Challenger Development, Inc.**, whose address is 1977 E. Overland Rd., Meridian, Idaho 83642, hereinafter called “**DEVELOPER**.”

1. **RECITALS:**

- 1.1 WHEREAS**, Owner 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 have 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 #108131100 and to replace it with a new Development Agreement to rezone a total

of 41.89 acres of land from the C-G zoning district to the R-8 (12.16 acres), R-15 (12.27 acres), and R-40 (17.46 acres) zoning districts, allowing a mix of residential uses to develop on the site, including single-family detached and attached dwellings, townhouse dwellings, and multi-family residential apartments 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 5th of December, 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 deem it to be in their best interest to be able to enter into this Agreement and acknowledge that this Agreement was entered into voluntarily and at their 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. #108131100) 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 that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning 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:** means and refers to **Corey D. Barton**, whose address is 1977 E. Overland Rd., Meridian, Idaho 83642, the party that owns said Property and shall include any subsequent owner(s) of the Property.

3.3 **DEVELOPER:** means and refers to **Challenger Development, Inc.**, whose address is 1977 E. Overland Rd., Meridian, Idaho 83642, the party that is developing said Property and shall include any subsequent developer(s) of the Property.

3.4 **PROPERTY:** means and refers to that certain parcel 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 #108131100, 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. Future development of this site shall be generally consistent with the conceptual site plan, conceptual building elevations, preliminary plat, phasing plan, landscape plan, and qualified open space exhibits included in Section VII of the Staff Report attached to the Findings of Fact and Conclusions of Law attached

hereto as Exhibit “B” and the provisions contained herein. Flexibility in the phasing to adjust the number of lots, combination of lots and number of phases to reflect changing market conditions is permitted unless otherwise restricted herein or in the Cooperative Development Agreement with Ada County Highway District (ACHD).

- b. The Developer shall construct a bridge across the Ten Mile Creek and extend Corporate Drive from the north to Waltman Lane, as required by ACHD, prior to issuance of any building permits within the first phase of development.
- c. The Developer shall widen W. Waltman Lane and reconstruct and widen the bridge across the Ten Mile Creek after the Phase 1 improvements have been made, which include the Corporate Drive extension, as required in the Cooperative Development Agreement with ACHD.
- d. Noise abatement shall be provided for residential uses adjacent to Interstate 84 in accord with the standards listed in UDC 11-3H-4D. The berm and wall in its entirety shall be constructed with the first phase of development that’s platted adjacent to I-84.
- e. The rear and/or sides of new homes facing Interstate 84 and W. Waltman Ln. shall incorporate articulation through changes in two or more of the following: modulation (e.g., projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public streets. *Single-story structures are exempt from this requirement.*
- f. No building permits shall be issued for this development until the property has been subdivided.
- g. At no time shall construction traffic associated with the development of this site be allowed to access this site using Ruddy Dr. through The Landing Subdivision.

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:
Corey D. Barton
1977 E. Overland Rd.
Meridian, Idaho 83642

DEVELOPER:
Challenger Development, Inc.
1977 E. Overland Rd.
Meridian, Idaho 83642

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/developer 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.

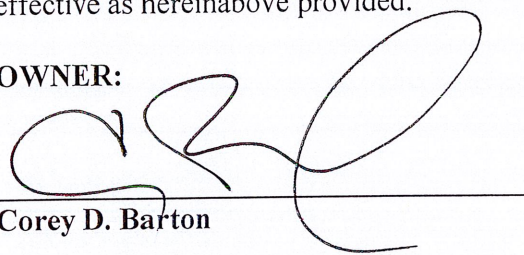
23. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[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:


Corey D. Barton

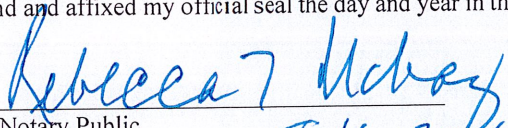
STATE OF IDAHO)
 : ss:
County of Ada)

On this 20TH day of December, 2023, before me, a Notary Public in and for the State of Idaho, personally appeared **Corey D. Barton**, known or identified to me to be 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.

(SEAL)

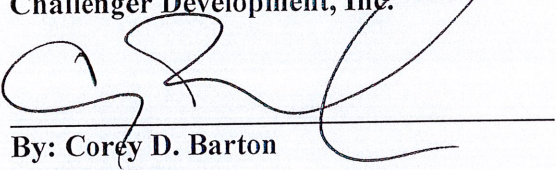



Notary Public

My Commission Expires: 8-16-2024

DEVELOPER:

Challenger Development, Inc.


By: Corey D. Barton
Its: President

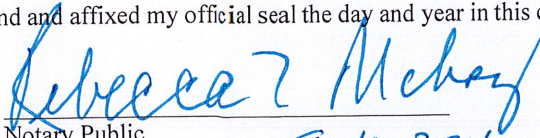
STATE OF IDAHO)
 : ss:
County of Ada)

On this 20TH day of December, 2023, before me, a Notary Public in and for the State of Idaho, personally appeared **Corey D. Barton**, known or identified to me to be the **President** of **Challenger Development, Inc.** 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.

(SEAL)




Notary Public

My Commission Expires: 8-16-2024

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss
County of Ada)

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

Legal Description **Tanner Creek Subdivision – Zone R-8**

A parcel being located in the SE ¼ of Section 13, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the northwest corner of said SE ¼ (C ¼ Corner), from which a brass cap monument marking the northeast corner of said SE ¼ (¼ Corner) bears S 89°52'43" E a distance of 2642.71 feet;

Thence S 89°52'53" E along the northerly boundary of said SE ¼ a distance of 250.00 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly boundary S 89°52'53" E a distance of 543.81 feet to a point;

Thence leaving said northerly boundary S 0°01'45" W a distance of 196.36 feet to a point;

Thence N 89°56'05" W a distance of 129.13 feet to a point;

Thence N 88°43'36" W a distance of 59.52 feet to a point;

Thence N 89°52'43" W a distance of 305.30 feet to a point;

Thence S 0°04'14" W a distance of 331.54 feet to a point of curvature;

Thence a distance of 199.11 feet along the arc of a 125.00 foot radius curve right, said curve having a central angle of 91°15'53" and a long chord bearing S 44°25'59" W a distance of 178.72 feet to a point of tangency;

Thence N 89°56'05" W a distance of 46.97 feet to a point;

Thence S 0°01'30" W a distance of 422.85 feet to a point of curvature;

Thence a distance of 84.04 feet along the arc of a 53.50 foot radius curve left, said curve having a central angle of 90°00'13" and a long chord bearing S 44°58'37" E a distance of 75.66 feet to a point of tangency;

Thence S 89°58'43" E a distance of 427.00 feet to a point;

Thence N 88°33'04" E a distance of 56.77 feet to a point;

Thence S 89°56'05" E a distance of 129.17 feet to a point;

Thence S 0°00'04" W a distance of 301.28 feet to a point on the centerline of Interstate 84;

Thence along said centerline S 89°59'24" W a distance of 795.12 feet to a point on the westerly boundary of said SE ¼;

Thence along said westerly boundary N 0°03'55" E a distance of 1189.59 feet to a point;

Thence leaving said westerly boundary S 89°44'33" E a distance of 249.82 feet to a point;

Thence N 0°06'36" E a distance of 242.69 feet to the **POINT OF BEGINNING**.

This parcel contains 12.158 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
October 19, 2023



Legal Description
Tanner Creek Subdivision – Zone R-15

A parcel being located in the NW ¼ of the SE ¼ of Section 13, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ Corner), from which a brass cap monument marking the northeast corner of the SE ¼ (¼ Corner) of said Section 13 bears S 89°52'43" E a distance of 2642.71 feet;

Thence S 89°52'53" E along the northerly boundary of said NW ¼ of the SE ¼ a distance of 793.81 feet to a point;

Thence leaving said northerly boundary S 0°01'45" W a distance of 196.36 feet to the **POINT OF BEGINNING**;

Thence continuing S 0°01'45" W a distance of 427.80 feet to a point;

Thence N 89°58'17" W a distance of 112.70 feet to a point;

Thence S 0°06'20" E a distance of 104.81 feet to a point;

Thence S 89°59'36" E a distance of 112.51 feet to a point;

Thence S 0°00'04" W a distance of 399.65 feet to a point;

Thence N 89°56'05" W a distance of 129.17 feet to a point;

Thence S 88°33'04" W a distance of 56.77 feet to a point;

Thence N 89°58'43" W a distance of 427.00 feet to a point of curvature;

Thence a distance of 84.04 feet along the arc of a 53.50 foot radius curve right, said curve having a central angle of 90°00'13" and a long chord bearing N 44°58'37" W a distance of 75.66 feet to a point of tangency;

Thence N 0°01'30" E a distance of 422.85 feet to a point;

Thence S 89°56'05" E a distance of 46.97 feet to a point of curvature;

Thence a distance of 199.11 feet along the arc of a 125.00 foot radius curve left, said curve having a central angle of 91°15'53" and a long chord bearing N 44°25'59" E a distance of 178.72 feet to a point of tangency;

Thence N 0°04'14" E a distance of 331.54 feet to a point;

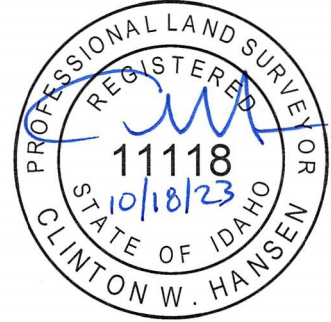
Thence S 89°52'43" E a distance of 305.30 feet to a point;

Thence S 88°43'36" E a distance of 59.52 feet to a point;

Thence S 89°56'05" E a distance of 129.13 feet to the **POINT OF BEGINNING**.

This parcel contains 12.272 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
October 18, 2023



Legal Description
Tanner Creek Subdivision – Zone R-40

A parcel being located in the SE ¼ of Section 13, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ Corner), from which a brass cap monument marking the northeast corner of the SE ¼ (¼ Corner) of said Section 13 bears S 89°52'43" E a distance of 2642.71 feet;

Thence S 89°52'53" E along the northerly boundary of said NW ¼ of the SE ¼ a distance of 793.81 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly boundary S 89°52'43" E a distance of 527.62 feet to a point marking the northeast corner of said NW ¼ of the SE ¼;

Thence along the easterly boundary of said NW ¼ of the SE ¼ S 0°19'27" W a distance of 1428.67 feet to a point on the centerline of Interstate 84;

Thence leaving said easterly boundary and along said centerline S 89°59'24" W a distance of 519.85 feet to a point;

Thence leaving said centerline N 0°00'04" E a distance of 700.93 feet to a point;

Thence N 89°59'36" W a distance of 112.51 feet to a point;

Thence N 0°06'20" W a distance of 104.81 feet to a point;

Thence S 89°58'17" E a distance of 112.70 feet to a point;

Thence N 0°01'45" E a distance of 624.16 feet to the **POINT OF BEGINNING**.

This parcel contains 17.458 acres and is subject to any easements existing or in use.

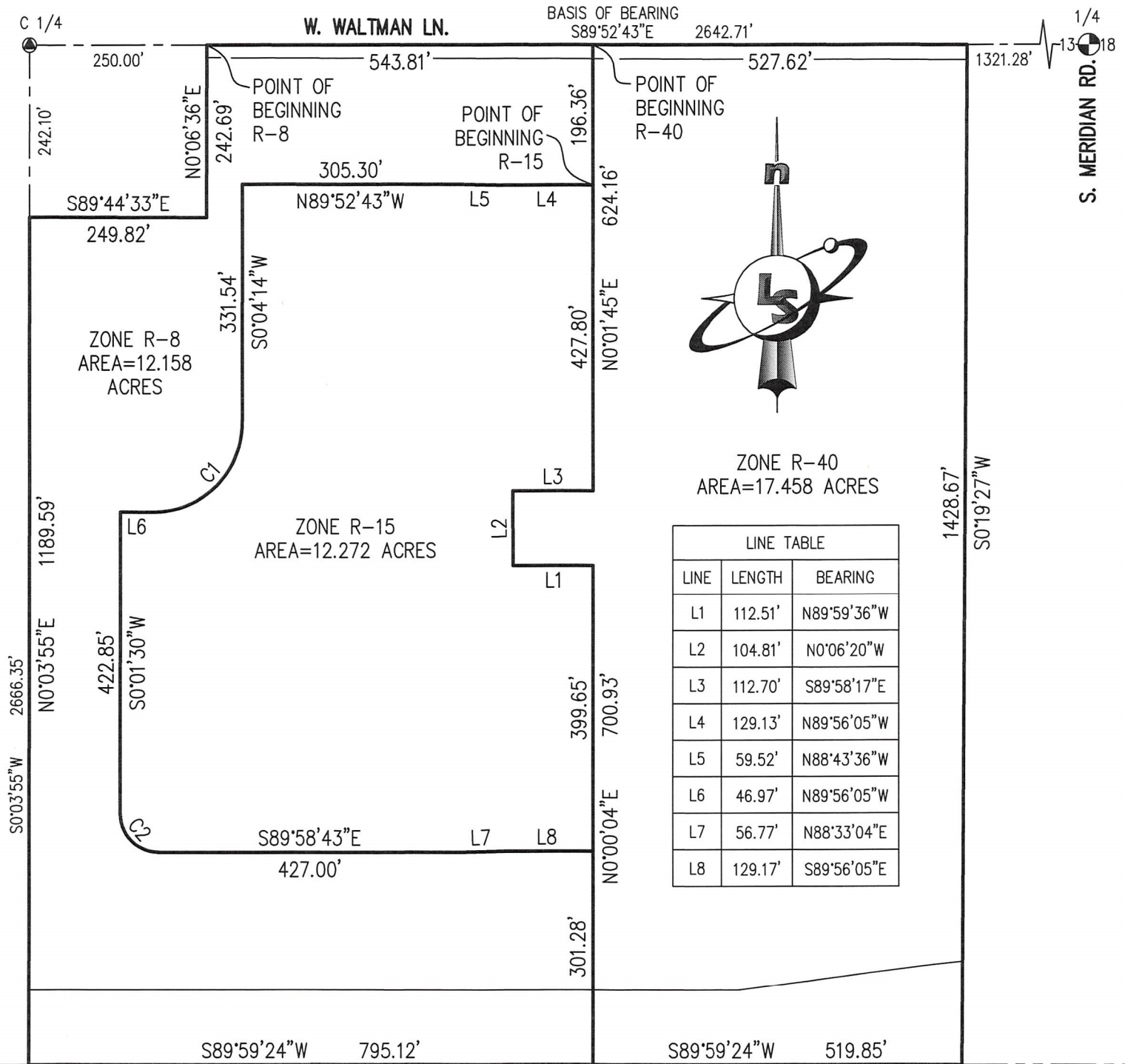
Clinton W. Hansen, PLS
Land Solutions, PC
October 19, 2023



TANNER CREEK SUBDIVISION - ZONING EXHIBIT

CITY OF MERIDIAN REZONE - R-8, R-15, R-40

LOCATED IN THE SE 1/4 OF SECTION 13, T3N, R1W, BM, ADA COUNTY, IDAHO



LINE TABLE		
LINE	LENGTH	BEARING
L1	112.51'	N89°59'36"W
L2	104.81'	N0°06'20"W
L3	112.70'	S89°58'17"E
L4	129.13'	N89°56'05"W
L5	59.52'	N88°43'36"W
L6	46.97'	N89°56'05"W
L7	56.77'	N88°33'04"E
L8	129.17'	S89°56'05"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	199.11'	125.00'	91°15'53"	S44°25'59"W	178.72'
C2	84.04'	53.50'	90°00'13"	S44°58'37"E	75.66'

LandSolutions
Land Surveying and Consulting

231 E. 5TH ST., STE. A
MERIDIAN, ID 83642
(208) 288-2040 (208) 288-2557 fax

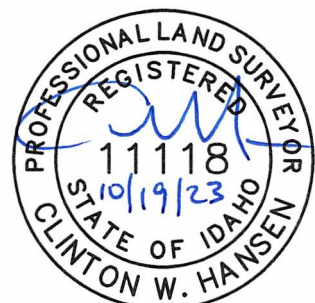


EXHIBIT B

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 (DA) (Inst. #108131100), which Allows Commercial/Office/Hotel Uses to Develop on the Site, to Replace it with a New DA Allowing a Mix of Residential Uses to Develop on the Site, including Single-Family Detached and Attached Dwellings, Townhouse Dwellings, and Multi-family Residential Apartments; Rezone of a Total of 41.89 Acres of Land from the C-G to the R-8 (12.16 Acres), R-15 (12.27 Acres) and R-40 (17.46 Acres) Zoning Districts; Preliminary plat Consisting of 130 Buildable Lots [83 Single-family, 45 Townhome and Two (2) Multi-family] and 20 Common Lots on 38.05 Acres of Land in the R-8, R-15 and R-40 Zoning Districts; and, Conditional Use Permit for a Multi-family Development Consisting of 280 Residential Apartment Units on 15.88 Acres of Land in the R-40 Zoning District for Tanner Creek Subdivision, by Engineering Solutions, LLP.

Case No(s). H-2022-0048

For the City Council Hearing Date of: November 21, 2023 (Findings on December 5, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of November 21, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of November 21, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of November 21, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of November 21, 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 November 21, 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 Development Agreement, preliminary plat, rezone and conditional use permit is hereby approved per the provisions in the Staff Report for the hearing date of November 21, 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 November 21, 2023

By action of the City Council at its regular meeting held on the 5th day of December, 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

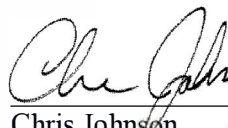
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison 12-5-2023

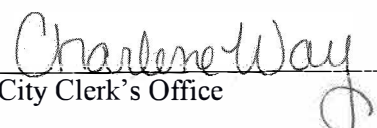
Attest:



Chris Johnson
City Clerk 12-5-2023



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

By:  _____ Dated: 12-5-2023
City Clerk's Office

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



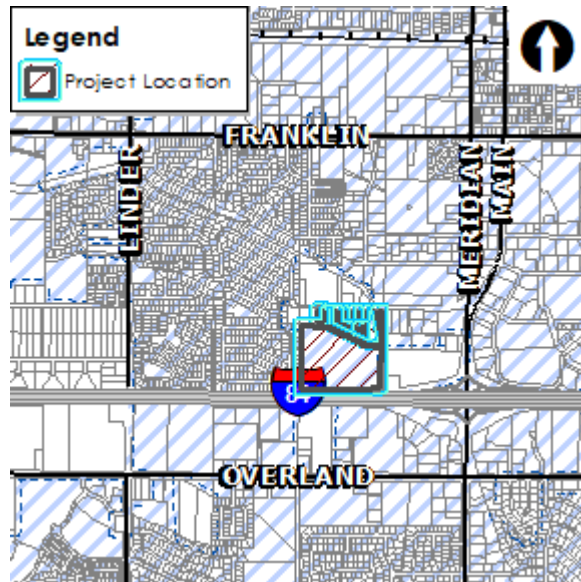
HEARING DATE: November 21, 2023

TO: Mayor & City Council

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

SUBJECT: H-2022-0048
Tanner Creek

LOCATION: 675 W. Waltman Ln., in the SE ¼ of
Section 13, Township 3N., Range 1W.
(Parcels: S1213428050;
S1213428301; S1213428010;
S1213427890; S1213427880;
S1213427872; S1213427860;
S1213428020; S1213427840)



I. PROJECT DESCRIPTION

The Applicant has submitted applications for the following:

- Modification to the existing Development Agreement (DA) (Inst. #108131100), which allows commercial/office/hotel uses to develop on the site, to replace it with a new DA allowing a mix of residential uses to develop on the site, including single-family detached and attached dwellings, townhouse dwellings, and multi-family residential apartments;
- Rezone of a total of 41.89 acres of land from the C-G to the R-8 (12.16 acres), R-15 (12.27 acres) and R-40 (17.46 acres) zoning districts;
- Preliminary plat consisting of 130 buildable lots [83 single-family, 45 townhome and two (2) multi-family] and 20 common lots on 38.05 acres of land in the R-8, R-15 and R-40 zoning districts; and,
- Conditional use permit for a multi-family development consisting of 280 residential apartment units on 15.88 acres of land in the R-40 zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	38.05
Future Land Use Designation	Medium-Density Residential (MDR) (3+/- acre strip along west boundary) & Mixed-Use Community (MU-C) on the remaining 35+/- acres of the property [Note: An application is in process (H-2021-0099 I-84 & Meridian Road) to amend the FLUM for this property from MU-C to MHDR.]

Existing Land Use	Vacant/undeveloped land (pasture)
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Proposed Land Use(s)	Residential (single-family detached/attached, townhome and multi-family apartments)
Current Zoning	C-G
Proposed Zoning	R-8 (12.16 acres), R-15 (12.27 acres) and R-40 (17.46 acres)
Lots (# and type; bldg/common)	130 buildable/20 common
Phasing plan (# of phases)	4
Number of Residential Units (type of units)	408 units [83 single-family (attached/detached), 45 townhome & 280 multi-family/apartment]
Density (gross & net)	10.72 gross (overall); 16.44 net (overall)
Open Space (acres, total [%] / buffer / qualified)	SFR - 3.66 acres (16.6%) – street buffers, parkways, internal common open space areas MFR – 4.06 acres – street buffer, linear open space, open space areas greater than 5,000 s.f. in area, areas greater than the dimensions of 20' x 20'
Amenities	Children's playground, ½ basketball court, pickleball court, pathways (SFR); clubhouse, swimming pool, playground with covered sitting area, internal pathways and a 10' wide multi-use pathway, plaza, shade structure & benches, pickleball court (MFR)
Physical Features (waterways, hazards, flood plain, hillside)	The Ten Mile Creek runs along east boundary, a small portion of the site is within the floodplain
Neighborhood meeting date	6/30/22 & 9/27/23
History (previous approvals)	AZ-06-063 (DA #108131100); PP-08-001; TE-10-028; TEC-12-008; TEC-14-005; H-2016-0008 (PP exp. 4/7/18); H-2018-0023 (CPAM, CUP, MDA, PP, RZ – denied); H-2020-0024 (CPAM, CUP, MDA, PP, RZ – denied)

B. Community Metrics

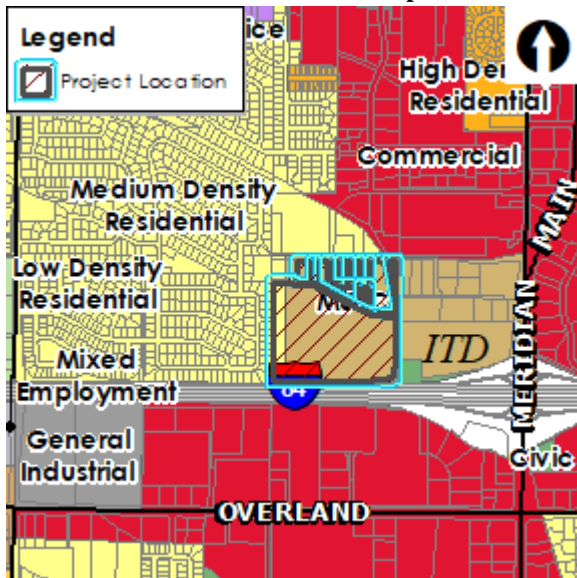
Description	Details
Ada County Highway District	
• Staff report (yes/no)	Yes
• Requires ACHD Commission Action (yes/no)	No
• TIS (yes/no)	Yes
• Level of Service (LOS)	The TIS in 2018 noted that all studied roadways and intersections were anticipated to operate at an acceptable level of service at build-out of the development.
• Existing Conditions	Waltman Ln. is improved with 2-travel lanes, 25' of pavement & no curb, gutter or sidewalk abutting the site.
• CIP/IFYWP	Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP): - Linder Road is scheduled in the IFYWP to be widened to 5-lanes from Overland Road to Franklin Road with an undetermined date. This does not include funding for ITD's portion of the I-84 overpass. - The intersection of Franklin Road and Linder Road is listed in the CIP to be widened to 6-lanes on the north leg, 6-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2021 and 2025.

Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) access is proposed via Ruddy Dr., a local street stubbed at the site's west boundary; two (2) accesses (1 public street, 1 driveway) are proposed via Waltman Ln, a local street along the site's north boundary.
Proposed Road Improvements	Corporate Dr. is proposed to be extended from its current terminus north of Ten Mile Creek south to Waltman Ln. within existing right-of-way; this will include construction of a new bridge over the creek. Waltman Ln. is proposed to be widened and reconstruction of the bridge over the Ten Mile Creek is required. <i>See the ACHD report in Section IX.J for more info.</i>

Fire Service	
• Distance to Fire Station	1.3 miles from Fire Station #1
• Fire Response Time	
• Resource Reliability	82% (meets target goal of 80% or greater)
• Risk Identification	4 (current resources would not be adequate to supply service)
• Accessibility	Meets all required access, road widths and turnarounds as proposed
• Special/resource needs	Aerial device (can meet this need if required); hazmat event will require mutual aid; structure fire will require an additional truck company; water rescue teams would require mutual aid
• Water Supply	1,000 gallons/minute for 1-hour (maybe less for sprinklered buildings)
• Other Resources	
Police Service	
• Distance to Police Station	1.6 miles
• Police Response Time	2:46 minutes (expected); 3:58 minutes (average)
• Calls for Service	5,176 within 1-mile (6/1/21-5/31/23)
• % of calls for service split by priority	See comments
• Accessibility	See comments
• Specialty/resource needs	None
• Crimes	665 (6/1/21-5/31/23)
• Crashes	88 (6/1/21-5/31/23)
• Other Reports	
West Ada School District	<i>No comments received</i>
Wastewater	
• Distance to Sewer Services	Directly adjacent
• Sewer Shed	Ten Mile
• Estimated Project Sewer ERU's	See application
• WRRF Declining Balance	13.91
• Project Consistent with WW Master Plan/Facility Plan	Yes
• Impacts/Concerns	Flow is committed – see Public Works Site Specific Conditions
Water	
• Distance to Services	Directly adjacent
• Pressure Zone	3
• Estimated Project Water ERU's	See application
• Water Quality Concerns	None
• Project Consistent with Water Master Plan	Yes
• Impacts/concerns	See Public Works Site Specific Conditions

C. Project Maps

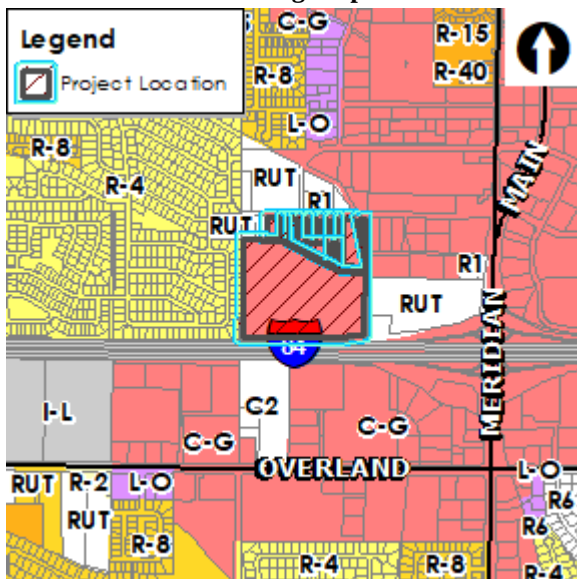
Future Land Use Map



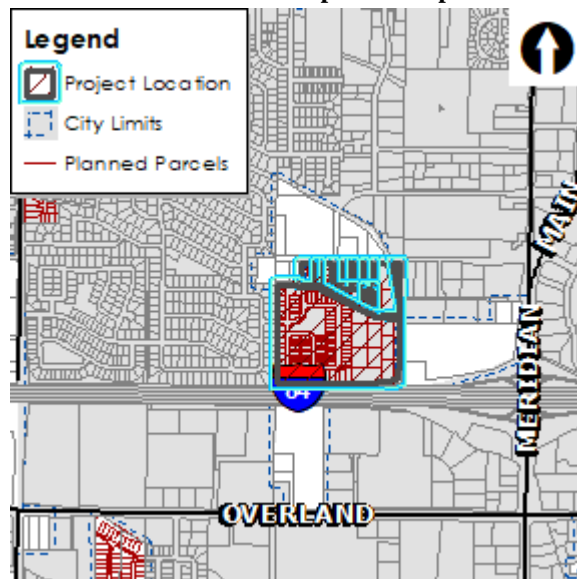
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Becky McKay, Engineering Solutions, LLP – 1029 N. Rosario, Meridian, ID 83680

B. Owner:

Corey D. Barton – 1977 E. Overland Rd., Meridian, ID 83642

- C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	10/3/2023	11/5/2023
Radius notification mailed to properties within 300 feet	9/29/2023	11/3/2023
Public hearing notice sign posted on site	10/7/2023	11/5/2023
Nextdoor posting	9/28/2023	11/3/2023

V. COMPREHENSIVE PLAN ANALYSIS (<https://www.meridiancity.org/compplan>)

LAND USE:

Existing Future Land Use Map (FLUM) designations: This property is primarily designated MU-C (Mixed Use – Community) on the FLUM with a narrow sliver of Medium Density Residential (MDR) along the western portion of the site consisting of approximately three (3) acres.

The purpose of the MU-C designation is to allocate areas where community-servicing uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in MU-N (Mixed-Use Neighborhood) designated areas but not as large as in MU-R (Mixed Use – Regional) designated areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to but also walk or bike to (up to 3 or 4 miles). Employment opportunities for those living in and around the neighborhood are encouraged.

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

Proposed FLUM designations: The I-84 and Meridian Road application ([H-2021-0099](#)), currently in process for the adjacent property to the east, requests an amendment to the FLUM from MU-C to Commercial for that property and from MU-C to Medium High-Density Residential (MHDR) for the subject property (see exhibit in Section VIII.J). *The narrow sliver of MDR is proposed to remain along the west boundary to ensure transition of uses as previously desired by the Comprehensive Plan Committee which is accounted for on the proposed plat.*

The MHDR designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from eight to twelve dwelling units per acre. These areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high-quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity.

Note: The initial FLUM amendment request for the property to the east was from MU-C to Mixed-Use Regional (MU-R). The Commission recommended denial to City Council based on their belief the proposed use isn't consistent with the general mixed-use development guidelines, the existing MU-C or the proposed MU-R guidelines; they also felt a Traffic Impact Study (TIS) was needed. Council heard the application and remanded

it back to the Commission in order to be reviewed concurrently with the subject application in an effort to determine consistency with the Comprehensive Plan for the overall property.

After review of these applications, it's Staff's opinion the proposed development plans for both projects are largely inconsistent with the purpose statements and development guidelines in the Comprehensive Plan for the general mixed use and specific land uses (i.e. MU-C and MU-R) for the following reasons: 1) functional and physical integration of land uses is desired – these are two separate residential and commercial developments with only a pedestrian pathway proposed for interconnectivity – no integration of uses is proposed; 2) a mixed use project should include at least three (3) types of land uses – only two (2) are proposed [i.e. residential and commercial (includes retail, restaurants, etc.)]; 3) community serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are desired – none are proposed; 4) supportive and proportional public and/or quasi-public spaces and places, including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools are expected – none are proposed; 5) mixed-use areas should be centered around spaces that are well-designed and integrated public and quasi-public centers of activity that are activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play – no such public/quasi-public areas are proposed; 6) a mixed use project should serve as a public transit location for future park-and-ride lots, bus stops, shuttle bus stops and/or other innovative or alternate modes of transportation – no such stops or lots are proposed; 7) community-serving uses and dwellings should be seamlessly integrated into the urban fabric for an integration of a variety of uses to avoid mainly single-use and strip commercial type buildings (MU-C) – single-use developments are proposed that are not well-integrated; 8) vertically integrated structures are encouraged – none are proposed (MU-C); 9) integration of a variety of uses together, including residential as a supporting use, to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses (MU-R) – no residential uses are included in the proposed MU-R designated area, which creates a single use development with only commercial uses; and 10) retail commercial uses should comprise a maximum of 50% of the development area (MU-R) – most if not all of the proposed MU-R designated area consists of commercial/retail uses, no residential, office, civic or other uses are proposed.

For this reason, Staff recommended the Applicant of the adjacent project (i.e. I-84 & Meridian Rd.) change their request for a map amendment from the MU-R to the Commercial designation and include a map amendment on the subject property from MU-C to MHDR, as agreed to by both Applicants. This change better aligns with the proposed development plans for both properties and in Staff's opinion is more compatible with adjacent existing and future residential development in the area and provides a good transition between these uses to the proposed commercial uses to the east and is more appropriate than the existing and previously proposed designation.

Proposed Use: A mix of residential uses (i.e. single-family detached and attached and townhouse dwellings and multi-family apartments) is proposed at an overall gross density of 10.72 units/acre, which is consistent with the proposed MHDR FLUM designation.

Pathways and sidewalks are proposed throughout the development for internal pedestrian connectivity as well as to the multi-use pathway planned along the Ten Mile Creek and to the proposed commercial development to the east. The proposed site design provides a good transition of uses with larger lots on the periphery of the development and smaller lots internal to the development, and higher density residential uses (i.e. apartments) on the eastern portion of the site adjacent to proposed commercial uses.

DESTINATION: DOWNTOWN

The subject property is located within the downtown urban renewal district. Future development of this area is guided by the [Destination: Downtown](#) vision plan, which was adopted as part of the Comprehensive Plan. *Note: This plan is currently mid-way through an 18-month update process; however, Meridian Development Corporation (MDC) does not anticipate the vision changing much for this area.*

The subject property is part of the Southern Gateway Entertainment & Hospitality District, which consists of 260 acres generally located between Franklin Rd. and I-84. Major characteristics of this district are as follows: 1) bike paths and trails; 2) hotel and upscale restaurant uses; 3) expand and upgrade park & speedway; 4) extensive landscaping; 5) locate a multi-purpose sports facility; and 6) gateway features. Land uses desired in this area include retail/dining (25%), office (25%), light industry (25%) and roads/utilities/institutional (25%).

The proposed use of the property is not consistent with the vision of the Plan for this district. Bike/pedestrian paths and trails are proposed along the frontage of the property along Waltman Ln. and along the Ten Mile Creek as desired. While the existing conceptual development plan that was approved with annexation of the property in 2006 is largely consistent with the vision of the Plan, it doesn't seem feasible as the property has sat vacant for the past 17+ years, largely due to access and transportation issues associated with such a high intense commercial development.

Other considerations exist that have a part in contemplation of a different, less intense, land use in this area, as follows:

- The amendment to the FLUM to MU-C in 2019 supersedes the commercial elements envisioned under the Plan.
- Regional entertainment uses have instead developed south of I-84 with several major expansions (i.e. Wahooz, Pinz, Roaring Springs and the Galaxy Event Center).
- Growth in the downtown district has evolved differently than initially expected. MDC hasn't reserved funding originally planned to support large-scale public-private partnerships, and no public improvements were made in advance to incentivize development in alignment with the Plan. Additional land consolidation has also not occurred to accomplish the vision of the Plan.
- Recently, City Council showed some willingness to consider the type of development proposed when they remanded the I-84 and Meridian Rd. project back to the Commission to be heard concurrently with the subject application. The desire was for both properties to come in with a master plan for the entire area to be more consistent with the mixed use development guidelines and specifically the MU-R designation they were requesting and for the transportation issues to be addressed.
- A lesser intense land use such as residential will result in less traffic congestion in this area and will be more compatible with existing and future adjacent residential land uses.

TRANSPORTATION:

Access is proposed via Waltman Lane, a local street, at the project's north boundary and via the extension of W. Ruddy Dr., a local street, at the project's west boundary. ACHD's Master Street Map (MSM) designates Waltman Ln. as a collector street from Meridian Rd. west to the future extension of Corporate Dr. Due to the increased traffic anticipated with this development, ACHD recommends the collector street designation is extended to the west to Kearney Ave. Improvements are required to Waltman Ln., including reconstruction of the bridge over the Ten Mile Creek, with the second phase of development as outlined in the [ACHD staff report](#).

The extension of Corporate Drive, designated as a collector street on the MSM, including construction of a bridge over the Ten Mile Creek, from the north to Waltman Lane is proposed to be completed with the first phase of development prior to issuance of a building permit. This will provide additional access to the site while the bridge across the Ten Mile Creek on Waltman Lane is being reconstructed with the improvements to Waltman Ln. See [ACHD report](#) for more information.

The proposed change to the FLUM from MU-C to MHDR and development agreement modification to allow for residential uses to develop on the site instead of commercial uses as currently entitled, will greatly reduce the overall traffic impacts in this area on Waltman Ln., at the Waltman Ln./Meridian Rd. intersection and the Meridian Rd./I-84 interchange. For comparison, the ACHD report states this development is estimated to generate 2,884 vehicle trips per day (VTD) (260 vehicle trips per hour in the PM peak hour). In the ACHD

report from 2008 for the Browning Plaza preliminary plat (PP-08-001) application, the entitled commercial development was estimated to generate approximately 10,300 VTD (975 vehicle trips per hour in the PM peak hour) at buildout according to the TIS submitted at that time. **Although traffic impacts will be reduced if the proposed change to the FLUM is approved, there is still existing congestion in this area that will worsen significantly if this property and the adjacent property to the east develop at this time as proposed.**

Based on the findings of The Traffic Impact Study (TIS) for the proposed I-84 & Meridian Road project to the east, which included the subject proposed development, the Meridian Rd./Waltman Ln. intersection would exceed ACHD's Acceptable Level of Service thresholds. With previous development applications for these properties, ACHD did not recommend any mitigation at the intersection due to right-of-way (ROW) constraints, impacts to existing businesses, and substantial intersection redesign and construction, making the recommended mitigation infeasible.

A [letter](#) prepared by Six Mile Engineering, dated 1/23/23, in response to comments and feedback during the City Council hearing for the Meridian Rd. & I-84 project was submitted to ACHD proposing phased alternative improvements at the Meridian Rd./Waltman Ln. intersection to address traffic impacts from these developments. A three-phase concept design was proposed in which the first two designs did not require any additional ROW dedication and the final phase did. ACHD reviewed their proposal and does not recommend any modifications to the intersection as under all concept designs, these modifications would negatively impact existing operations of both the interchange and ramps. ACHD's concerns also extended to the impacts the proposed modifications would have to the Central Dr. and Corporate Dr. intersections at Main St. and Progress Ave. While the proposed improvements may benefit both of these proposed developments in the short-term, they'll likely negatively impact the already congested area roadways and intersections. These improvements without significant widening increase corridor travel times and interchange queue lengths, further compounding existing congestion in this area. ACHD believes there are other alternatives that may be considered such as converting Central Dr./Waltman Ln. and Corporate Dr. to a one-way couplet, which is anticipated to reduce both queue lengths and the impacts to the Meridian Rd. and the I-84 interchange system (see ACHD's [letter](#) for more information).

The construction of the Linder Road overpass (1/2 mile to the west), scheduled in ACHD's IFYWP for construction in 2026-2027, should greatly improve traffic conditions on Meridian Rd. by providing another north/south connection over I-84. The Commission and City Council should consider if higher levels of traffic and congestion in this area are acceptable when acting on this application. If not, consideration should be given to the inclusion of a provision in the Development Agreement, which limits development to the single-family and townhome portions of the development at this time and delays the multi-family portion of the development until such time as the Linder Road overpass is completed or other area improvements occur that allow for an acceptable level of service to be provided, as determined by ACHD.

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

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/attached and townhome dwellings and multi-family apartments will contribute to the variety of housing types in the City as desired. A mix of alley- and front-loaded units are proposed for added variety in the style of the units.
- “Improve and protect creeks and other natural waterways throughout commercial, industrial, and residential areas.” (4.05.01D)

The Ten Mile Creek, which runs along the project's east boundary, is proposed to be re-vegetated and improved with development on the west side that lies within the subject property. The creek should also be protected during construction.

- “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 services are 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)

Four (4) different residential housing types are proposed in this development (i.e. single-family detached, single-family attached, townhome and multi-family apartments). A range of lot sizes are proposed for these units, which will accommodate a variety of housing styles consisting of 1- and 2-story units.

- “Limit canal tiling and piping of creeks, sloughs, laterals, and drains to man-made facilities where public safety issues cannot be mitigated or are not of concern.” (4.05.01C)

The Ten Mile Creek, which runs along the project's east boundary, is required to remain open as a natural amenity and not be piped.

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

The proposed single-family, townhome and multi-family residential uses should be compatible with existing and future medium-density residential uses to the west and north. The proposed design, with larger lots for single-family detached homes on the periphery and smaller lots for single-family attached and townhomes on the interior, transitions well to existing and future adjacent residential uses and the multi-family apartments on the east side of the site adjacent, which in turn transitions well to planned commercial uses to the east. The proposed design should minimize conflicts and maximize use of land.

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

Pedestrian pathways are proposed to the amenities in the central common area in the single-family portion of the development, which connect to pathways in the central common area in the multi-family portion of the development and extend to the multi-use pathway along the Ten Mile Creek. The large central common area in the single-family portion and the linear open space in the multi-family portion of the development provide much usable open space with quality amenities as desired.

- “Encourage the incorporation of creek corridors as amenities in development design.” (4.05.02C)

The Ten Mile Creek corridor is proposed to be improved as an amenity with a segment of the City's regional pathway system along the west side of the creek.

- “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; services are proposed to be provided to and through this development in accord with current City plans.

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

Although there are some County zoned properties at the northwest corner and to the north of this site, the

larger area is surrounded by properties that have been annexed and developed in the City. Development of this infill property will result in more efficient provision of public services. (Note: The County zoned property to the east is part of the I-84 and Meridian Road annexation application that's currently in process.)

- “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 is required to be provided with development as proposed.

- “Require collectors consistent with the ACHD Master Street Map (MSM), generally at/near the mid-mile location within the Area of City Impact.” (6.01.03B)

The MSM depicts the extension of Corporate Dr. and the portion of Waltman Ln. east of Corporate Dr. to Meridian Rd. as a collector street. Due to the increased traffic anticipated with this development, ACHD recommends the collector street designation is extended to the west to Kearney Ave.

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

The proposed vacant parcels are within the City limits and the larger area is surrounded by properties already developed in the City. The development of this property will result in better provision of City services.

Based on the analysis above, Staff finds the proposed development plan is generally consistent with the requested FLUM designation of MHDR for this site and is compatible with adjacent existing and future residential land uses. *Note: If the proposed amendment to the FLUM is not approved with H-2021-00099, Staff finds the proposed development is not consistent with the existing MU-C FLUM designation for the reasons noted above.*

VI. STAFF ANALYSIS

A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

The existing Development Agreement (DA) (Boise Waltman – Inst. #[108131100](#)), approved in 2008, allows for the development of commercial/office/hotel uses on this site. Because that development plan has not been viable and the property has sat vacant since that time, the Applicant proposes a change to the development plan for the site. A modification to the DA is proposed for the purpose of replacing the agreement with a new agreement allowing for the development of a mix of single-family detached and attached dwellings, townhome dwellings and multi-family residential apartments on the site consistent with the plan included in Section VIII.I.

The existing DA includes two (2) different conceptual development plans for the site as shown in Section VIII.A. These plans depict approximately 400,000 square feet of professional office, hotel, big box retail and smaller retail spaces.

The proposed development plan with single-family detached homes adjacent to existing single-family detached homes to the west in The Landing subdivision and future medium-density residential uses to the north across Waltman Ln., single-family attached and townhome dwellings internal to the development, and multi-family apartments on the eastern portion of the development provides a good transition to proposed commercial/retail uses to the east across the Ten Mile Creek with the concurrent I-84 and Meridian Road application (H-2021-0099) (see Section VIII.C).

History: Two (2) previous development applications for this site were denied by City Council, one in 2018 ([H-2018-0023](#)) and another in 2020 ([H-2020-0024](#)). The first, which included a request for an amendment to the FLUM from Commercial to MHDR, was denied due to the finding that the proposed amendment wasn't in the

best interest of the City for the following reasons: 1) Concern that the property will not be maintained consistently due to different ownership of the structures and associated areas; 2) Desire for the applicant to participate in the Comprehensive Plan update that's currently in process, rather than requesting an amendment to the FLUM outside of that process; 3) Preference for commercial employment type uses to develop on this property rather than residential as the original plan proposed; 4) Concern related to impact on area schools, proposed density and traffic (i.e. resulting safety hazards); and 5) Conclusion that the timing wasn't right for an amendment to the FLUM (a City initiated update to the plan was in process at that time) and the development of the property as proposed. *Note: Between the application in 2018 and the one in 2020 the FLUM designation for this property was changed from Commercial to Mixed-Use Community (MU-C) with the City's update to the Comprehensive Plan, which allowed the subsequent application to be submitted without an amendment to the FLUM.* With the second application, Council found the proposed rezone was not in the best interest of the City because the sole residential use of the property was not consistent with the MU-C designation. Further, Council didn't want to set a precedent by "floating" a FLUM designation (i.e. MDR) and burdening the adjacent property to the east with providing only the non-residential component of the mix of uses desired for this area per the Comprehensive Plan.

The proposed residential development plan is largely the same as those previously submitted for this site. However, the key difference is that a development application is concurrently in process for the 70+/- acres of land directly to the east across the Ten Mile Creek as mentioned above (i.e. I-84 & Meridian Rd. [H-2021-0099](#)) and an amendment to the FLUM is proposed to MHDR, which supports the proposed uses and is compatible with adjacent existing and future development.

Because the proposed development plan for this site has completely changed from the conceptual commercial development previously approved and the terms of the agreement are no longer applicable, Staff is supportive of the request for a new DA to replace the existing agreement based on the proposed development plan. Staff's recommended provisions for the new DA are included in Section VIII.A.1 and the development plans for the overall site are included in Section VIII. *Note: If the amendment to the FLUM proposed with H-2021-0099 is not approved, Staff is not supportive of the proposed MDA (and consequently the RZ, PP and CUP applications) per the analysis above in Section V due to inconsistency of the proposed development plan with the MU-C designation.*

B. REZONE (RZ)

A rezone of a total of 41.89 acres of land, including adjacent right-of-way, from the C-G to the R-8 (12.16 acres), R-15 (12.27 acres) and R-40 (17.46 acres) zoning districts is proposed for the development of a mix of single-family detached and attached dwellings, townhouse dwellings and multi-family apartments. The proposed uses and zoning districts are consistent with the amendment to the FLUM proposed with H-2021-0099 to the MHDR designation. Legal descriptions and exhibit maps for the areas proposed to be rezoned are included below in Section VIII.B.

The Allowed Uses table in UDC [Table 11-2A-2](#) for residential districts lists single-family detached and attached dwellings and townhouse dwellings as principal permitted uses in the proposed R-8 and R-15 zoning districts; and multi-family developments as a conditional use in the R-40 zoning district, subject to the specific use standards listed in UDC [11-4-3-27](#).

The City may require a development agreement (DA) in conjunction with a rezone pursuant to Idaho Code section 67-6511A. Because a DA already exists on this property, the Applicant requests a modification to the DA (MDA) to replace the existing agreement with a new agreement consistent with the proposed development plan as discussed in Section VI.A above. **To ensure the site develops as proposed with this application, staff recommends the provisions included in Section VIII are included in a new DA for the subject property.**

C. PRELIMINARY PLAT (PP)

A preliminary plat is proposed consisting of 130 buildable lots [83 single-family (16 alley-loaded, 67 front-loaded), 45 alley-loaded townhome and 2 multi-family] for a variety of housing types and 20 common lots on 38.05 acres of land in the proposed R-8, R-15 and R-40 zoning districts. The single-family lots range in size from 3,850 to 10,536 square feet (s.f.) with an average lot size of 5,132 s.f. A total of 16 alley-loaded homes and 67 front-loaded homes are proposed with lot widths of 40, 50 and 60 feet. A total of 45 alley-loaded townhomes are proposed with lot sizes ranging from 2,400 to 3,884 s.f. with an average lot size of 2,739 s.f. The proposed plat results in an overall gross density of 10.72 units/acre and a net density of 16.44 units/acre, which is consistent with the FLUM amendment proposed with H-2021-0099.

Phasing: The plat is proposed to develop in four (4) phases as shown in Section VIII.C. The Applicant requests flexibility in the phasing to adjust the number of lots, combination of lots and number of phases to reflect changing market conditions. Staff is amenable to this request unless otherwise restricted in the Cooperative Development Agreement with Ada County Highway District (ACHD) or as otherwise approved by City Council.

Because noise from I-84 will greatly affect future residents in this area, Staff recommends noise abatement in the form of a berm and wall is constructed per the standards listed in UDC [11-3H-4D](#) in its entirety with the first phase of development as a provision of the Development Agreement. The Applicant requests these improvements be constructed with Phases 3 and 4, prior to issuance of Certificates of Occupancies within each phase.

Existing Structures/Site Improvements:

There are several existing structures on this site that are required to be removed prior to signature on the final plat for the phase in which they are located.

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

The proposed plat and subsequent development is required to comply with the UDC dimensional standards for the associated zoning districts is required, as follows: [Table 11-2A-6](#) for the R-8 zoning district; [Table 11-2A-7](#) for the R-15 zoning district; and [Table 11-2A-8](#) for the R-40 zoning district. The standards for all development in residential districts are listed in [11-2A-3](#). **Depict zero (0) lot lines where single-family attached and townhome units are proposed to span over property lines.**

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

One (1) public street access is proposed via the extension of W. Ruddy Dr., a local street, at the west boundary of the site and two (2) accesses (one public street and one driveway) are proposed via W. Waltman Ln., an existing local street to be designated a collector street from Meridian Rd. to S. Kearney Ave. with this development.

A stub street (S.W. 7th Ave.) is proposed to the out-parcel (Cooper property #S1213428090) at the northwest corner of the site for future extension and/or access.

UDC [11-3A-3A.3](#) requires all subdivisions to provide local street access to any use that currently takes direct access from a collector street unless otherwise waived by City Council. **Because the adjacent property to the east only has access via Waltman Ln., a collector street, a local street with a vehicular bridge over the Ten Mile Creek that includes a minimum 5-foot wide pedestrian walkway on at least one side, should be provided in lieu of the proposed pedestrian connection.**

Three (3) common driveways are proposed off internal public streets that are required to be constructed in accord with the standards listed in UDC [11-6C-3D](#). Exhibits for these driveways are included in Section VIII.D that demonstrate compliance with the required standards. **The landscape plan submitted with the final plat application should be revised to depict 5-foot wide landscape buffers planted with shrubs, lawn or other vegetative groundcover where solid fencing is proposed adjacent to the common driveway as set forth in UDC [11-6C-3D.5](#). A perpetual ingress/egress easement is required to be noted on the final plat, which**

shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. Address signage should be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes.

Three (3) alleys are proposed off internal public streets that are required to comply with and be constructed in accord with the standards listed in UDC [11-6C-3B.5](#). **Include a cross-section of the typical alley on the plat.**

For addressing purposes and for wayfinding in the event of an emergency, the Fire Dept. is requesting private streets are provided within the multi-family portion of the development. **A private street application shall be submitted that demonstrates compliance with the standards listed in UDC [11-3F-4](#).**

Road Improvements: The Applicant proposes to construct the extension of Corporate Dr., a collector street, off-site from its current terminus north of Ten Mile Creek to Waltman Ln. within existing ROW with the first phase of development (54 building lots). The construction of Corporate Dr. will include the construction of a new bridge over the Ten Mile Creek. This will provide additional access to the site and provide for additional access while the Ten Mile Creek bridge on Waltman is being reconstructed. The roadway north of the bridge should be constructed as a 40-foot wide commercial street section with vertical curb, gutter and 5-foot wide concrete sidewalk. The crossing of Ten Mile Creek will require a 58-foot wide bridge with 2-foot parapets. **Staff recommends the roadway south of the bridge to Waltman Lane is constructed as a complete street section with detached 10-foot wide multi-use pathways along both sides of the street.** These improvements will occur with the first phase of development (54 lots) and shall be complete prior to issuance of any building permits.

The Applicant proposes to construct Waltman Lane as ½ of a 36-foot wide street section with curb, gutter, an 8-foot wide planter strip/parkway and a 10-foot wide detached sidewalk within 29-feet of right-of-way (ROW) from centerline with 7-feet of the sidewalk located outside of the dedicated ROW abutting the site. All improvements are proposed to be constructed south of the existing edge of pavement for Waltman Ln., shifting the centerline 8-feet south to the south. ACHD is requiring the Applicant to construct the north side of Waltman with a minimum of 12-feet of pavement from centerline, a 3-foot wide gravel shoulder and a borrow ditch to accommodate the roadway storm run-off. Center turn lanes are required to be constructed on Waltman Ln. at the apartment driveway. The improvements to Waltman Ln. will require reconstruction of the existing bridge over the Ten Mile Creek as a full 36-foot street section with curb and 5-foot wide attached concrete sidewalks. This will require a 54-foot wide bridge with 2-foot parapets. These improvements should be completed as required by ACHD in the Cooperative Development Agreement.

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

A 14-foot wide segment of the City's regional pathway is depicted on the Pathways Master Plan along the west side of the Ten Mile Creek. A 10-foot wide multi-use pathway is proposed consistent with the Plan with a pedestrian bridge over the creek for connectivity with the proposed commercial development to the east. **A pedestrian easement is required to be submitted to the Planning Division for this pathway in accord with Park's Dept. requirements.**

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

Sidewalks are required to be constructed adjacent to all public streets as set forth in UDC 11-3A-17 as proposed. The UDC requires 5-foot wide *detached* sidewalks to be constructed along all collector streets (i.e. W. Waltman Ln. and Corporate Dr.).

Parkways (UDC [11-3A-17](#)):

Parkways are required to be constructed and landscaped per the standards listed in UDC [11-3A-17E](#). Landscaped parkways are proposed along W. Ruddy Dr./S. Kearney Ave. and W. Waltman Ln. in accord with UDC standards.

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

Street buffer landscaping is required to be provided as set forth in UDC Tables [11-2A-6](#) for the R-8 district, [11-2A-7](#) for the R-15 district and [11-2A-8](#) for the R-40 district and planted in accord with the updated standards

listed in UDC [11-3B-7C](#). Street buffers are required to be placed in a common lot or on a permanent dedicated buffer easement, maintained by the property owner or homeowner's association.

A 20-foot wide street buffer is required along W. Waltman Ln., to be designated as a collector street with this development; a 37-foot wide buffer is proposed with a 3-foot tall landscaped berm and a 10-foot wide detached sidewalk.

Common open space areas are required to be landscaped per the standards listed in UDC [11-3G-5B](#). Landscaping is proposed in these areas in excess of the minimum standards. **The open space landscape requirements on the Landscape Requirements table on the landscape plan should be revised to reflect the updated standard of one (1) deciduous tree for every 5,000 square feet of common open space.**

Landscaping is required to be provided along pathways per the standards listed in UDC [11-3B-12C](#). **Minimum 5-foot wide landscape strips are required along each side of all pathways planted with a mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway; shrubs should be added on the west side of the pathway along the creek in accord with this standard.**

Include mitigation information on the landscape plan submitted with the final plat application as applicable for tree preservation in accord with the standards listed in UDC [11-3B-10C](#).

Qualified Open Space & Site Amenities (UDC [11-3G](#)):

The single-family and townhome portion of the development is subject to the qualified open space and site amenity standards listed in UDC [11-3G-3](#). A minimum of 15% qualified open space is required to be provided for the R-8 and R-15 zone in accord with the quality standards listed in UDC 11-3G-3A.2 and shall comply with the standards listed in UDC 11-3G-3B.

Based on the acreage of the R-8 and R-15 zoned portion of the development (i.e. 22.03-acres), a minimum of 3.30-acres of qualified open space is required. The open space exhibit included in Section VIII.G depicts 3.66-acres of qualified open space, exceeding the minimum standard by 0.36-acre. Proposed qualified areas consist of 100% of the collector street buffer along Waltman Ln. (on the single-family & townhome portion of the development), **which is required to have enhanced landscaping as set forth in UDC [11-3B-7C.3](#) for entryway corridors and comply with the standards listed in UDC [11-3G-3B.2](#).** *The multi-family portion of the development is also required to provide common open space per the standards listed in UDC 11-4-3-27C in addition to this requirement (see analysis below).*

Based on the acreage of the R-8 and R-15 zoned portion of the development (i.e. 22.03-acres), a minimum of four (4) points of site amenities are required per UDC [11-3G-4A](#); a list of qualified site amenities and associated point values are included in UDC [Table 11-3G-4](#). The following amenities and associated point values are proposed: a tot lot with benches (1 point), a half basketball court and a pickleball court with benches (i.e. paved sports court at 4 points each = 8 points), multi-use pathway along Waltman Ln. and along the Ten Mile Creek (1/4+ mile – 2 points), exceeding the minimum standard by 7 points. *The multi-family portion of the development is also required to provide site amenities per the standards listed in UDC 11-4-3-27 in addition to this requirement (see analysis below under Conditional Use Permit).*

Fencing (UDC [11-3A-6](#), [11-3A-7](#)):

All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-7. A combination of 6-foot tall solid vinyl fencing and 6-foot tall wrought iron fencing is proposed as shown on the landscape plan.

A 9-foot tall berm with a 6-foot tall rhino rock stamped concrete wall is proposed within the street buffer along the southern boundary of the site as noise abatement to buffer the residential uses from the traffic on I-84 in accord with UDC [11-3H-4D](#); the wall is proposed to be staggered every linear 300' in accord with UDC standards to avoid a monotonous wall (see detail in Section VIII.F). **The detail of the wall should be revised on the landscape plan submitted with the final plat application to include the centerline of the west-**

bound travel to demonstrate compliance with the requirement for the berm/wall to be a minimum of 10 feet higher than the elevation at the centerline of the state highway.

Existing Easements:

There is an existing 100-foot wide irrigation easement (50' each side of centerline) for the Ten Mile Creek held by NMID along the east boundary of the site as depicted on the plat, some of which lies on the adjacent property to the east. A 20-foot wide City sewer easement also exists along the east boundary of the site as depicted on the plat.

Waterways:

The Ten Mile Creek runs along the east boundary of the site and is required to be left open as a natural amenity and not be piped as set forth in UDC [11-3A-6B.1](#) as proposed.

Flood Zone: A portion of the site along the east boundary lies within Flood Zone "A" per FEMA Map #16001C0232H. This site is not within the floodplain.

Utilities:

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.

An existing 15-inch sewer main lies along the east half of the Waltman Ln. frontage and along the west top of bank of the Ten Mile Creek through the site. The 8-inch sewer main connection will be in Waltman Ln. and will serve the entire site via gravity sewer. An existing 12-inch water main is located in Waltman Ln. along the full frontage of the site. This subdivision will connect in Waltman at two locations and also to the existing 8" stub located at the Landing Subdivision stub street (Ruddy) at the west boundary. *See Section VIII.B below for Public Works comments/conditions.*

Pressurized Irrigation System:

A regional pressure irrigation pump station is proposed to be constructed with this development to NMID standards with a Ten Mile Creek takeout in the northeast corner of the site near Waltman Ln. Pressure irrigation distribution lines and individual lot services will be provided to all lots in the subdivision. Pressurized irrigation systems should comply with the standards set forth in UDC [11-3A-15](#).

Storm Drainage:

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 [Geotech report](#) was submitted for this development. Storm drainage is proposed to be mitigated by underground seepage beds and/or retention ponds in accord with ACHD design criteria. **Stormwater swales incorporated into required landscape areas are required to be vegetated with grass or other appropriate plant materials and designed to accommodate the required number of trees as per [UDC 11-3B-7](#) if located in a street buffer or other required landscape area.**

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

Conceptual building elevations were submitted for the proposed residential structures on the site as shown in Section VIII.I. One and two-story single-family detached and townhome dwellings are proposed with a mix of front-loaded and alley-loaded styles in a mix of materials and colors. Single-story homes are proposed along the southern boundary adjacent to I-84 to minimize the sound impact to residents.

In the multi-family portion of the development, one (1) 2-story and 11 3-story apartment buildings are proposed containing 16-units and 24-units, respectively along with a single-story clubhouse. A mix of materials are proposed consisting of stucco and horizontal and vertical siding with stone veneer accents. The 2-story multi-family building is proposed along the northern boundary adjacent to Waltman Ln. to minimize bulk and wall effect.

Staff recommends The rear and/or sides of new homes facing Interstate 84 and W. Waltman Ln. incorporate articulation through changes in two or more of the following: modulation (e.g. projections,

recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public streets. Single-story structures are exempt from this requirement.

All single-family attached, townhome and multi-family structures are required to comply with the design standards listed in the Architectural Standards Manual; single-family detached structures are exempt from this requirement. **An administrative Design Review application is required to be submitted for approval of the design of all single-family attached and townhome structures in the development prior to submittal of building permit application for those structures. An application for Certificate of Zoning Compliance is also required to be submitted along with Design Review for the multi-family portion of the development.**

D. CONDITIONAL USE PERMIT (CUP)

Conditional use permit for a multi-family development consisting of 280 residential units on 15.88 acres of land in the R-40 zoning district. A total of (94) 1-bedroom units, (152) 2-bedroom units and (34) 3-bedroom units are proposed in 12 structures on the eastern portion of the site.

Specific Use Standards (UDC 11-4-3): The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

[11-4-3-27](#): MULTI-FAMILY DEVELOPMENT:

Site Design:

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 site plan complies with this standard.*

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 screened trash enclosures not visible from a public street; all proposed transformer/utility vaults and other service areas shall comply with this requirement.*

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. *Floor plans were submitted that depict porches or balconies for each unit in accord with this standard.*

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.*

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.*

The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *Ninety-four (94) 1-bedroom units, (152) 2-bedroom units and (34) 3-bedroom units are proposed (parking is not required for the clubhouse). Based on the number of units proposed, a total of 575 spaces are required with 280 of those in a covered carport or garage. A total of 581 spaces are proposed with 280 of those in a covered carport or garage, which exceeds the minimum standard by six*

(6) spaces. Based on the number of vehicle parking spaces proposed, a minimum of 23 bicycle parking spaces should be provided dispersed throughout the development.

Developments with twenty (20) units or more shall provide the following:

- A property management office.
- A maintenance storage area.
- A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
- 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 property management office and maintenance storage area are depicted on the floor plan for the clubhouse. Central mailbox locations are proposed at the trash enclosures and a directory & map of the development is provided at the clubhouse. The site plan submitted with the Certificate of Zoning Compliance should clearly depict the location of these items.

Common Open Space Design Requirements:

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. When multi-family is approved concurrently with single-family, the minimum open space requirements in UDC 11-3G-3 shall apply to the gross land area of entire development (i.e. 15%). *Based on 15.88 acres, a minimum of 103,760 s.f. (or 2.38 acres) is required that meets the standards listed in UDC 11-4-3-27C.2, 3, 4 and 5.*

The proposed common open space areas all have direct pedestrian access, high visibility, comply with CPTED standards and support a range of leisure and play activities and uses as desired. Open space is accessible and well-connected throughout the development by pathways and visually accessible along the collector street in accord with UDC 11-4-3-27C.2.

All multi-family projects over 20 units are required to provide at least one (1) common grassy area integrated into the site design allowing for general activities by all ages, which may be included in the minimum required open space total. The minimum size of common grassy areas shall be at least 5,000 s.f. in area and is required to increase proportionately as the number of units increase and be commensurate to the size of the multi-family development as determined by the decision-making body. Where this area cannot be increased due to site constraints, it may be included elsewhere in the development. Several open grassy areas are provided that exceed 5,000 s.f. in area, which Staff feels is commensurate with the size of the development.

In addition to the baseline open space requirement, a minimum outdoor common open space is required, as follows: 250 s.f. for each unit containing more than 500 and up to 1,200 s.f. of living area (246 units x 250 s.f. = 61,500 s.f. or 1.41 acres) and 350 s.f. for each unit containing more than 1,200 s.f. (34 units x 350 s.f. = 11,900 s.f. or 0.27 acre), which equals 73,400 s.f. or 1.68 acres. With the baseline requirement (i.e. 103,760 s.f. or 2.38 acres), a minimum of 177,160 s.f. or 4.06 acres of qualified common open space is required overall. *A total of 4.37 acres is proposed to be provided as shown in Section VIII.G; however, there are a couple of areas that don't meet the standards for qualified open space as follows: the 10' wide strip along the west boundary of the site consisting of 10,196 s.f. (or 0.23 acre) is below the minimum width dimension of 20'; and the area at the northeast corner of the site on the other side of the creek consisting of 3,802 s.f. (or 0.09 acre) is not well-connected or accessible from this development except by the pathway along Waltman Ln. Without these areas, 4.05 acres is still provided, which rounded down to the whole number, meets the minimum standard.*

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') per UDC 11-4-3-27C.5. *The common open space areas depicted on the open space exhibit in Section VIII.G meet this requirement except for the linear area along the west boundary adjacent to parking as mentioned above.*

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 per UDC 11-4-3-27C.6. *The multi-family component of this project is proposed to be developed in two (2) phases as shown on the phasing plan in Section VIII.C and appears to comply with this standard.*

Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets 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 per UDC 11-4-3-27C.7. ***A 3-foot tall berm is proposed within the street buffer along Waltman Ln., a collector street, which should be increased to 4-feet in height.***

Site Development Amenities: For multi-family developments with 75 units or more, four (4) amenities are required to be provided with at least one (1) from each category listed in UDC 11-4-3-27D (i.e. quality of life, open space, recreation, multi-modal). For developments with more than 100 units, the decision-making body should require additional amenities commensurate to the size of the proposed development.

The applicant proposes amenities from each of the required categories as follows: a 5,750 s.f. clubhouse with a fitness facility, dog washing facilities, a cycle shop and tenant storage closets; a covered patio with BBQ at the clubhouse, a gazebo at the pool deck, a picnic gazebo at play area, greenbelt plaza, swimming pool & spa with changing facilities & restrooms, children's play structure/tot lot, a pickleball sports court, a bicycle repair station and charging stations for electric vehicles. Staff is of the opinion the proposed amenities are commensurate with the 280-unit apartment project proposed and meet and exceed the requirement.

Landscaping Requirements: Landscaping is required in accord with the standards in UDC 11-3B. All street facing elevations are required to have landscaping along their foundation as follows: the landscaped area shall be at least three feet (3') wide; for every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted; and ground cover plants are required to be planted in the remainder of the landscaped area. *Landscaping is depicted along the foundation of elevations that face Waltman Ln. that appears to comply with this standard.*

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 and submit a recorded copy of this document to the Planning Division prior to issuance of Certificate of Occupancy for the first structure within the development.***

Police access under exigent circumstances: Multifamily developments with units that take access via secured common corridors are required to install and maintain a keyless entry system, or suitable alternative, to provide police access to the common corridors under exigent circumstances. The keyless entry system or alternative shall be subject to review and approval by the Meridian Police Department.

Private Streets: As noted above, for addressing purposes and for wayfinding in the event of an emergency, the Fire Dept. is requesting private streets are provided within the multi-family portion of the development. **A private street application shall be submitted that demonstrates compliance with the standards listed in UDC 11-3F-4.**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed MDA, RZ, PP and CUP applications per the provisions included in Section VIII in accord with the Findings in Section IX *if* the proposed amendment to the FLUM is approved with H-2021-0099. If the proposed amendment is *not* approved, Staff recommends denial of the proposed MDA, and consequently the RZ, PP and CUP applications per the analysis in Section V due to inconsistency of the proposed development plan with the MU-C designation as noted above.

B. The Meridian Planning & Zoning Commission heard these items on (continued from October 19, 2023) November 2, 2023. At the public hearing, the Commission moved to recommend approval of the subject MDA, RZ, PP and CUP requests.

1. Summary of Commission public hearing:
 - a. In favor: Becky McKay, Engineering Solutions (Applicant's Representative)
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: Heath McMahon
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. Not in support of this project due the (high) density proposed and negative impact on traffic in this area.
 - b. Safety of area residents with the traffic that will be generated from this development and the commercial development to the east.
3. Key issue(s) of discussion by Commission:
 - a. The request by the Applicant to *not* be required to provide a vehicular connection to the east across the Ten Mile Creek to the adjacent commercial development. The Commission was in favor of Council granting a waiver to *not* require a connection.
 - b. Concern regarding the phasing of the development in relation to construction of the Linder Road overpass.
4. Commission change(s) to Staff recommendation:
 - a. At Staff's request, modify DA provision #1b to require the extension of Corporate Dr. to be constructed as required by ACHD.
 - b. Include a DA provision that requires the Linder Road overpass to be completed prior to issuance of the first Certificate of Occupancy in the multi-family development (see Section IX. A.1h).
5. Outstanding issue(s) for City Council:
 - a. None

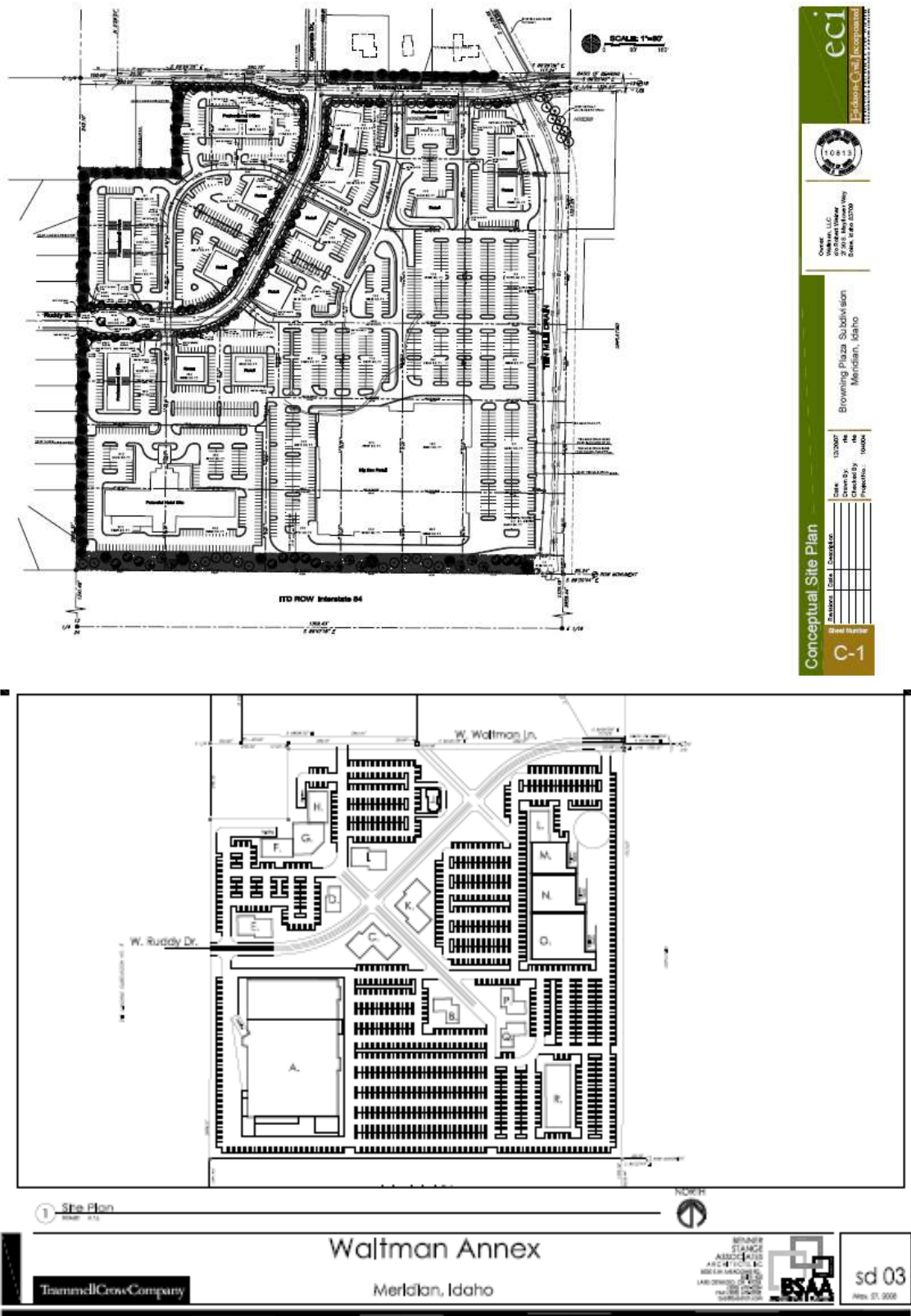
C. The Meridian City Council heard these items on November 21, 2023. At the public hearing, the Council moved to approve the subject MDA, RZ, PP and CUP requests.

1. Summary of the City Council public hearing:
 - a. In favor: Becky McKay, Engineering Solutions; Leah Kelsey, Six Mile Engineering
 - b. In opposition: Joe Lorcher, Steve McCarthy; Joe Lorcher, Kelsey Lorcher; Clair Manning, William Kissinger; Ken Freeze
 - c. Commenting: Kurt Lee; Justin Lucas, ACHD
 - d. Written testimony: Becky McKay, Engineering Solutions (Applicant response to Commission recommendation); 23 letters of public testimony (see public record)
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: Joe Bongiorno, Fire Dept.; Shawn Harper, Police Dept.

2. Key issue(s) of public testimony:
 - a. Concern pertaining to overcrowding of area schools if this development is approved;
 - b. Concern pertaining to traffic impact from this development and no access to I-84 with the Linder Road overpass;
 - c. Concern pertaining to pedestrian/bicycle safety with traffic coming through Ruddy Dr. to Waltman Ln. and increased traffic at the Meridian/Waltman intersection;
 - d. Preference for a lower density development plan (i.e. single-family homes, no apartments, smaller offices, entertainment uses);
 - e. Inconsistency of the proposed development plan with the vision of the Destination: Downtown plan and Comprehensive Plan;
 - f. Consider limiting density permanently or until there's a resolution in the future to the traffic issues in this area.
 - g. Desire for the City to take a break on approving new projects to give existing approved projects a chance to catch up and be built and see what the impacts are.
3. Key issue(s) of discussion by City Council:
 - a. Traffic level of service once Corporate Dr. is extended;
 - b. Questions pertaining to traffic solutions for this area posed to ACHD;
 - c. Concern pertaining to the proposed amendment to the FLUM;
4. City Council change(s) to Commission recommendation:
 - a. Council approved the Applicant's requests for a modification to DA provision #1d to change the timing of construction of the noise abatement wall & berm along I-84 from the first phase of development to the first phase that's platted adjacent to I-84; the removal of DA provision #1h, which requires the Linder Road overpass to be completed prior to issuance of the first Certificate of Occupancy within the multi-family development; and deletion of PP condition #2c, which requires a bridge to be constructed and a vehicular connection provided to the east across the Ten Mile Creek for interconnectivity with the commercial property to the east.

VIII. EXHIBITS

A. Conceptual Development Plans Included in Existing Development Agreement



B. Rezone Legal Descriptions and Exhibit Map

Legal Description
Tanner Creek Subdivision – Zone R-8

A parcel being located in the SE ¼ of Section 13, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the northwest corner of said SE ¼ (C ¼ Corner), from which a brass cap monument marking the northeast corner of said SE ¼ (¼ Corner) bears S 89°52'43" E a distance of 2642.71 feet;

Thence S 89°52'53" E along the northerly boundary of said SE ¼ a distance of 250.00 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly boundary S 89°52'53" E a distance of 543.81 feet to a point;

Thence leaving said northerly boundary S 0°01'45" W a distance of 196.36 feet to a point;

Thence N 89°56'05" W a distance of 129.13 feet to a point;

Thence N 88°43'36" W a distance of 59.52 feet to a point;

Thence N 89°52'43" W a distance of 305.30 feet to a point;

Thence S 0°04'14" W a distance of 331.54 feet to a point of curvature;

Thence a distance of 199.11 feet along the arc of a 125.00 foot radius curve right, said curve having a central angle of 91°15'53" and a long chord bearing S 44°25'59" W a distance of 178.72 feet to a point of tangency;

Thence N 89°56'05" W a distance of 46.97 feet to a point;

Thence S 0°01'30" W a distance of 422.85 feet to a point of curvature;

Thence a distance of 84.04 feet along the arc of a 53.50 foot radius curve left, said curve having a central angle of 90°00'13" and a long chord bearing S 44°58'37" E a distance of 75.66 feet to a point of tangency;

Thence S 89°58'43" E a distance of 427.00 feet to a point;

Thence N 88°33'04" E a distance of 56.77 feet to a point;

Thence S 89°56'05" E a distance of 129.17 feet to a point;

Thence S 0°00'04" W a distance of 301.28 feet to a point on the centerline of Interstate 84;

Thence along said centerline S 89°59'24" W a distance of 795.12 feet to a point on the westerly boundary of said SE ¼;

Thence along said westerly boundary N 0°03'55" E a distance of 1189.59 feet to a point;

Thence leaving said westerly boundary S 89°44'33" E a distance of 249.82 feet to a point;

Thence N 0°06'36" E a distance of 242.69 feet to the **POINT OF BEGINNING**.

This parcel contains 12.158 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
October 19, 2023



Legal Description
Tanner Creek Subdivision – Zone R-15

A parcel being located in the NW ¼ of the SE ¼ of Section 13, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ Corner), from which a brass cap monument marking the northeast corner of the SE ¼ (¼ Corner) of said Section 13 bears S 89°52'43" E a distance of 2642.71 feet;

Thence S 89°52'53" E along the northerly boundary of said NW ¼ of the SE ¼ a distance of 793.81 feet to a point;

Thence leaving said northerly boundary S 0°01'45" W a distance of 196.36 feet to the **POINT OF BEGINNING**;

Thence continuing S 0°01'45" W a distance of 427.80 feet to a point;

Thence N 89°58'17" W a distance of 112.70 feet to a point;

Thence S 0°06'20" E a distance of 104.81 feet to a point;

Thence S 89°59'36" E a distance of 112.51 feet to a point;

Thence S 0°00'04" W a distance of 399.65 feet to a point;

Thence N 89°56'05" W a distance of 129.17 feet to a point;

Thence S 88°33'04" W a distance of 56.77 feet to a point;

Thence N 89°58'43" W a distance of 427.00 feet to a point of curvature;

Thence a distance of 84.04 feet along the arc of a 53.50 foot radius curve right, said curve having a central angle of 90°00'13" and a long chord bearing N 44°58'37" W a distance of 75.66 feet to a point of tangency;

Thence N 0°01'30" E a distance of 422.85 feet to a point;

Thence S 89°56'05" E a distance of 46.97 feet to a point of curvature;

Thence a distance of 199.11 feet along the arc of a 125.00 foot radius curve left, said curve having a central angle of 91°15'53" and a long chord bearing N 44°25'59" E a distance of 178.72 feet to a point of tangency;

Thence N 0°04'14" E a distance of 331.54 feet to a point;

Thence S 89°52'43" E a distance of 305.30 feet to a point;

Thence S 88°43'36" E a distance of 59.52 feet to a point;

Thence S 89°56'05" E a distance of 129.13 feet to the **POINT OF BEGINNING**.

This parcel contains 12.272 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
October 18, 2023



Legal Description
Tanner Creek Subdivision – Zone R-40

A parcel being located in the SE ¼ of Section 13, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ Corner), from which a brass cap monument marking the northeast corner of the SE ¼ (¼ Corner) of said Section 13 bears S 89°52'43" E a distance of 2642.71 feet;

Thence S 89°52'53" E along the northerly boundary of said NW ¼ of the SE ¼ a distance of 793.81 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly boundary S 89°52'43" E a distance of 527.62 feet to a point marking the northeast corner of said NW ¼ of the SE ¼;

Thence along the easterly boundary of said NW ¼ of the SE ¼ S 0°19'27" W a distance of 1428.67 feet to a point on the centerline of Interstate 84;

Thence leaving said easterly boundary and along said centerline S 89°59'24" W a distance of 519.85 feet to a point;

Thence leaving said centerline N 0°00'04" E a distance of 700.93 feet to a point;

Thence N 89°59'36" W a distance of 112.51 feet to a point;

Thence N 0°06'20" W a distance of 104.81 feet to a point;

Thence S 89°58'17" E a distance of 112.70 feet to a point;

Thence N 0°01'45" E a distance of 624.16 feet to the **POINT OF BEGINNING**.

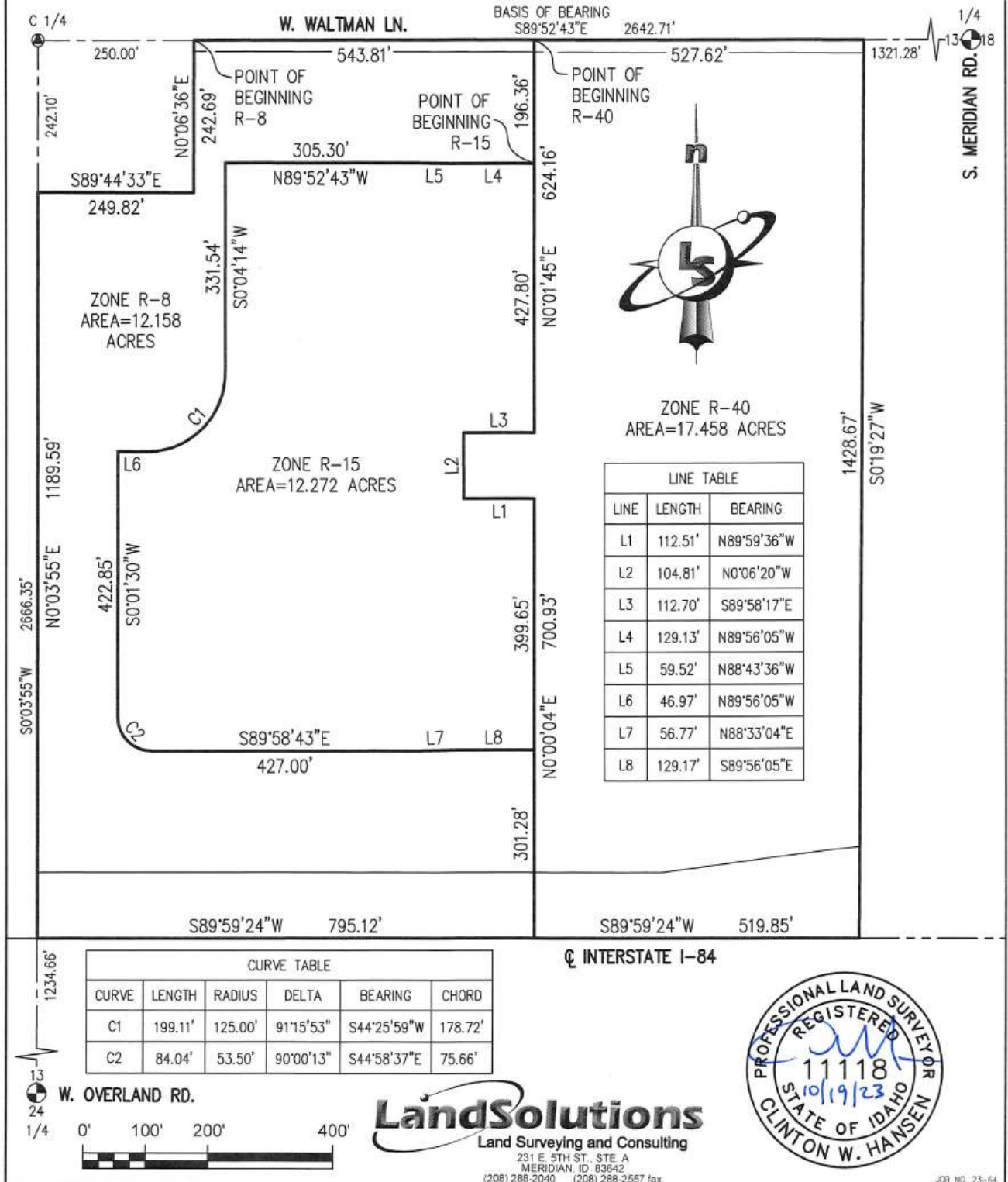
This parcel contains 17.458 acres and is subject to any easements existing or in use.

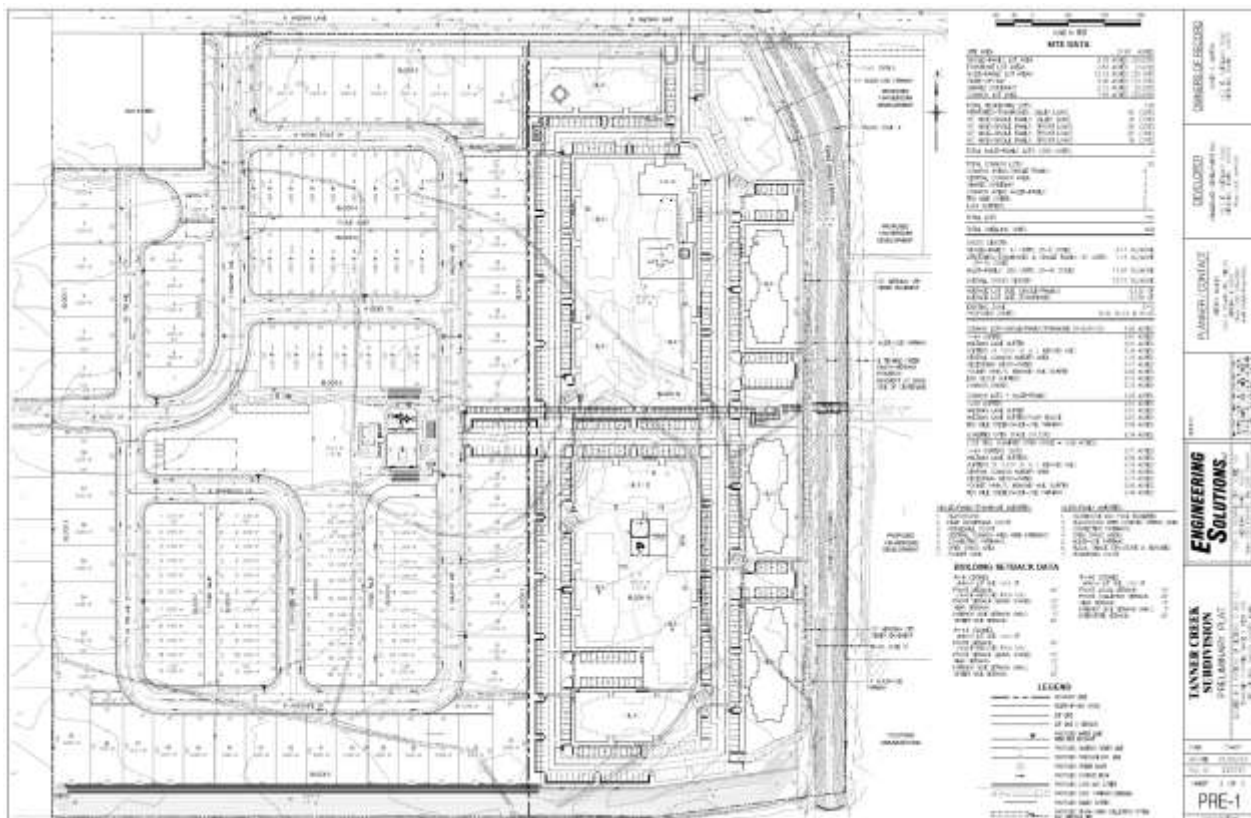
Clinton W. Hansen, PLS
Land Solutions, PC
October 19, 2023

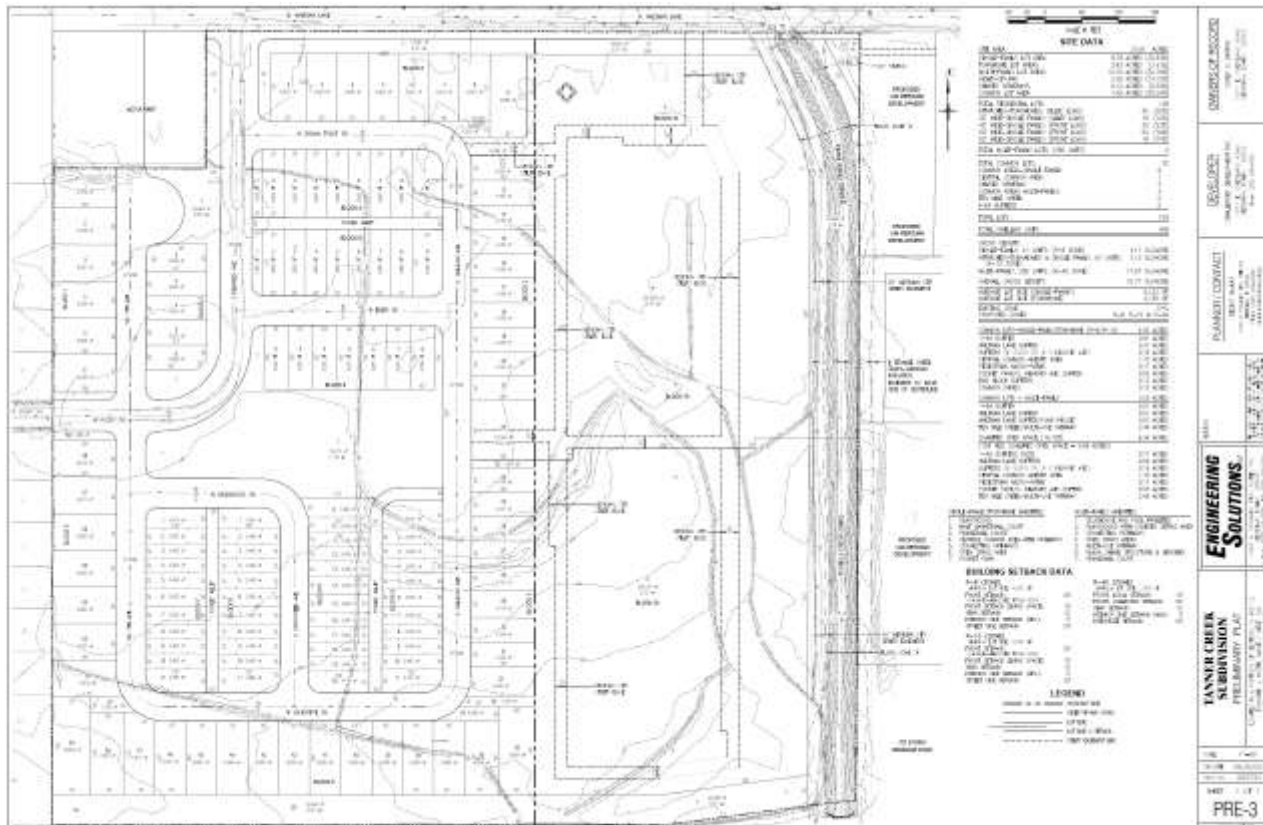
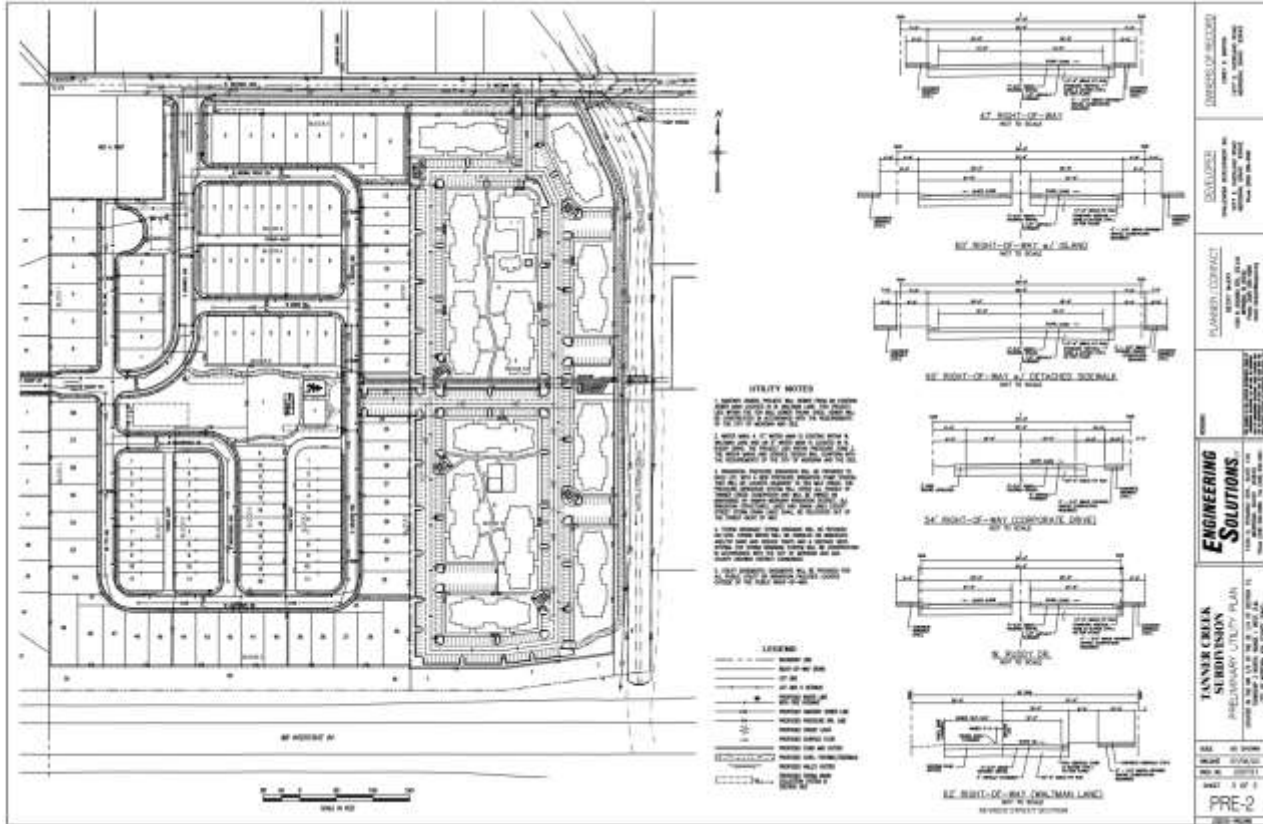


TANNER CREEK SUBDIVISION - ZONING EXHIBIT

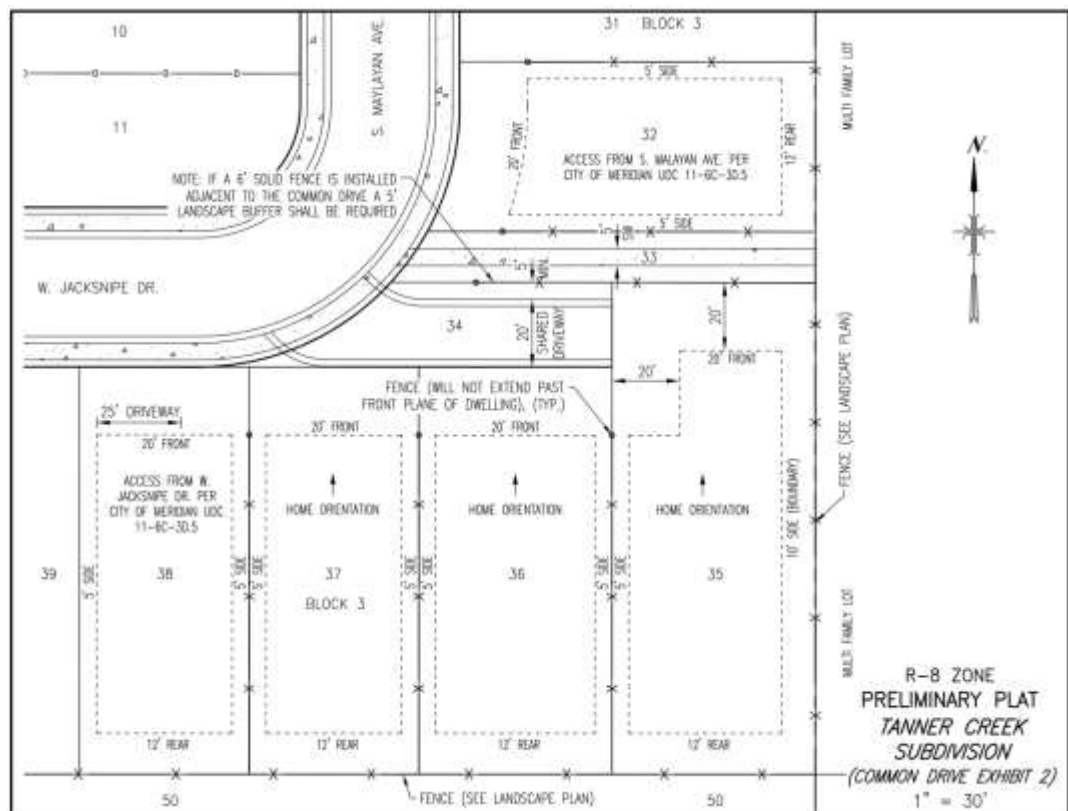
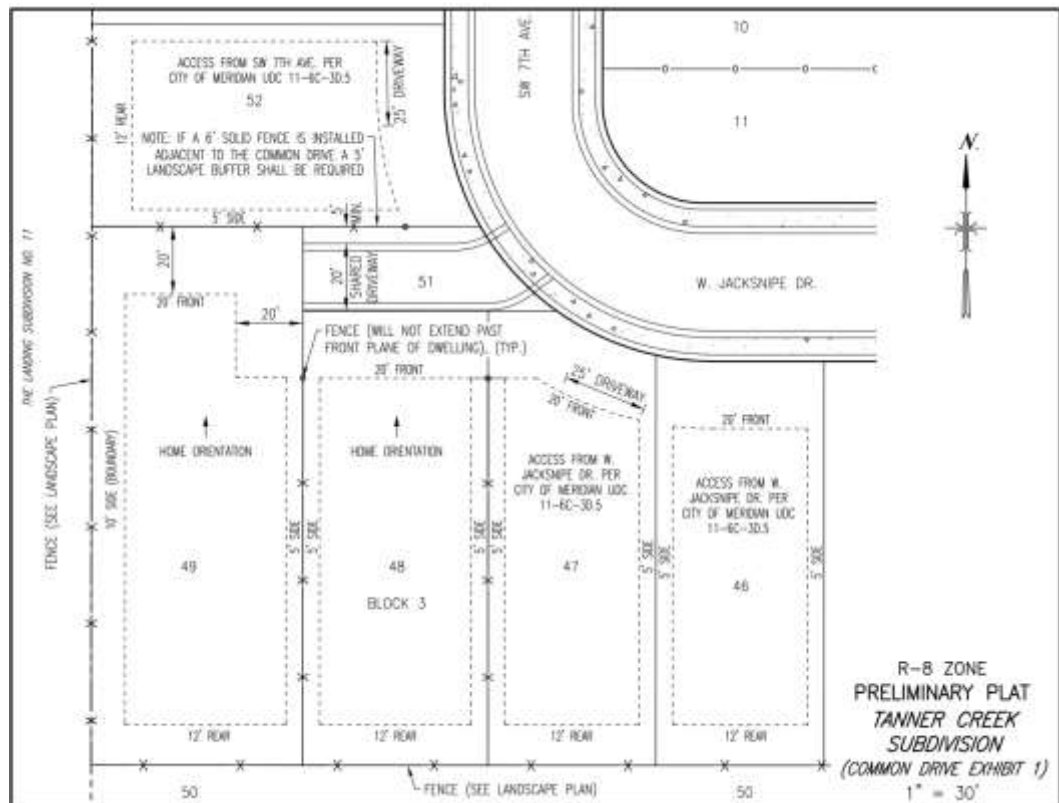
CITY OF MERIDIAN REZONE - R-8, R-15, R-40
 LOCATED IN THE SE 1/4 OF SECTION 13, T3N, R1W, BM, ADA COUNTY, IDAHO

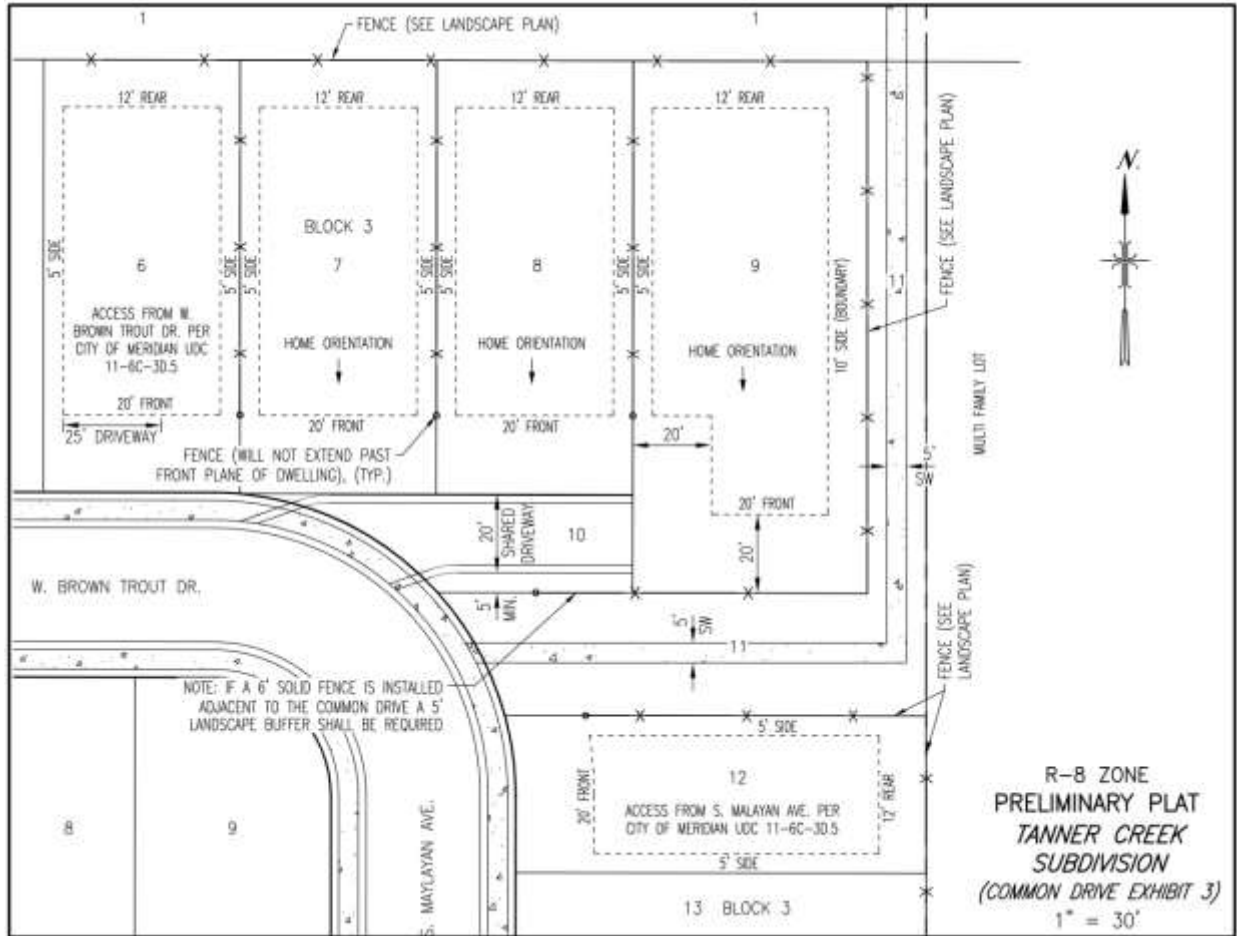


[illegible]



D. Common Driveway Exhibits





R-8 ZONE
PRELIMINARY PLAT
TANNER CREEK
SUBDIVISION
(COMMON DRIVE EXHIBIT 3)
1" = 30'

E. Preliminary Plat Legal Description & Exhibit Map/Area Subject to Development Agreement

Legal Description
Tanner Creek Preliminary Plat

A parcel being located in the NW ¼ of the SE ¼ of Section 13, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

Commencing at a 5/8 inch diameter iron pin marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ Corner), from which a brass cap monument marking the northeast corner of the SE ¼ (¼ Corner) of said Section 13 bears S 89°52'43" E a distance of 2642.71 feet;

Thence S 89°52'53" E along the northerly boundary of said NW ¼ of the SE ¼ a distance of 250.00 feet to a point;

Thence leaving said northerly boundary S 0°06'36" W a distance of 17.74 feet to a point on the southerly right-of-way of W. Waltman Lane and the **POINT OF BEGINNING**;

Thence along said southerly right-of-way S 89°42'17" E a distance of 1071.35 feet to a point on the easterly boundary of said NW ¼ of the SE ¼;

Thence along said easterly boundary S 0°19'27" W a distance of 1260.57 feet to a point on the northerly right-of-way of Interstate 84;

Thence leaving said easterly boundary and along said northerly right-of-way the following described courses and distances:

Thence S 84°03'21" W a distance of 43.25 feet to a point;

Thence S 82°20'06" W a distance of 275.70 feet to a point;

Thence N 89°57'23" W a distance of 999.43 feet to a point on the westerly boundary of said NW ¼ of the SE ¼;

Thence leaving said northerly right-of-way and along said westerly boundary N 0°03'55" E a distance of 1082.73 feet to a point;

Thence leaving said westerly boundary S 89°44'33" E a distance of 249.82 feet to a point;

Thence N 0°06'36" E a distance of 224.95 feet to the **POINT OF BEGINNING**.

This parcel contains 38.05 acres and is subject to any easements existing or in use.

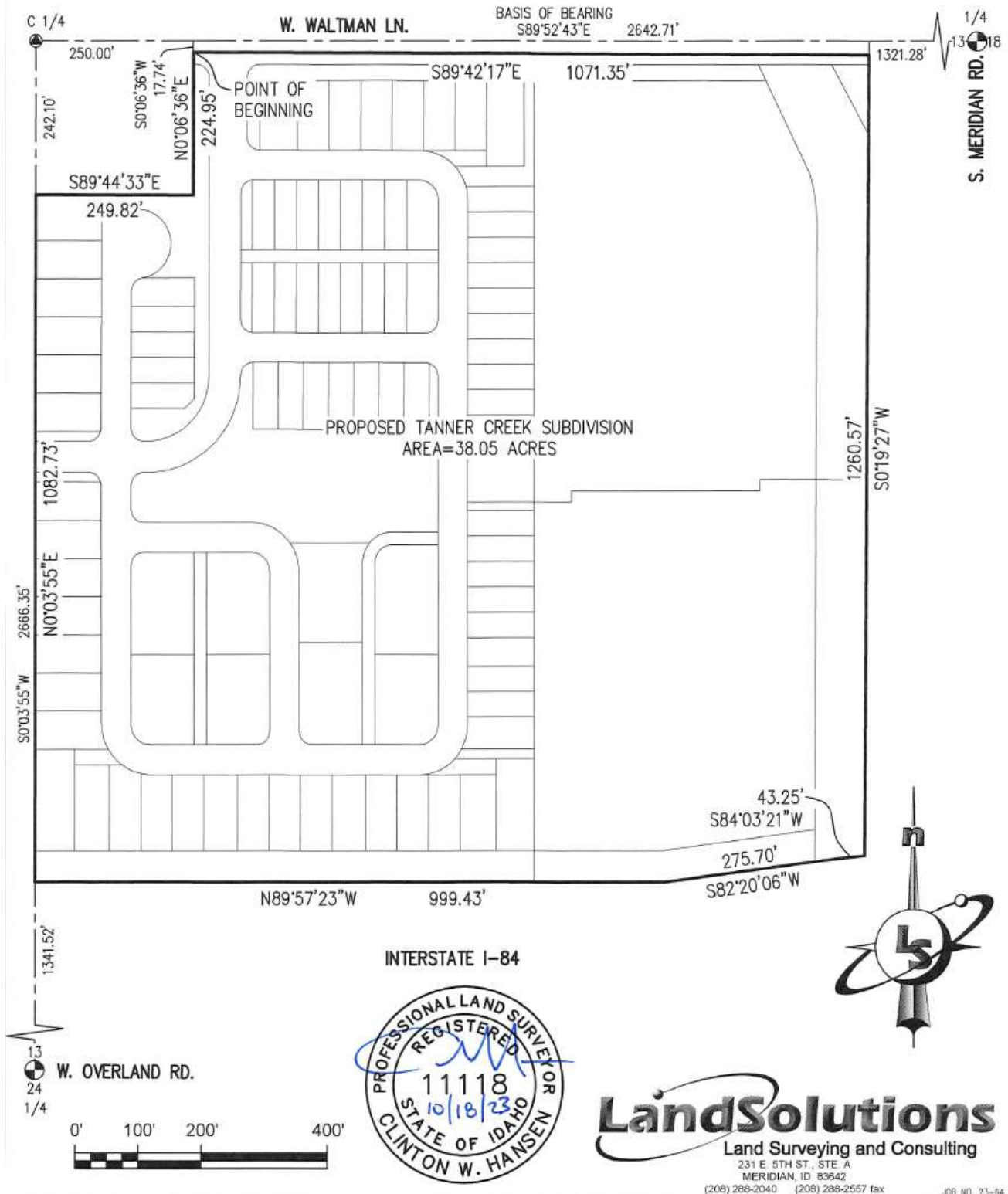
Clinton W. Hansen, PLS
Land Solutions, PC
October 16, 2023



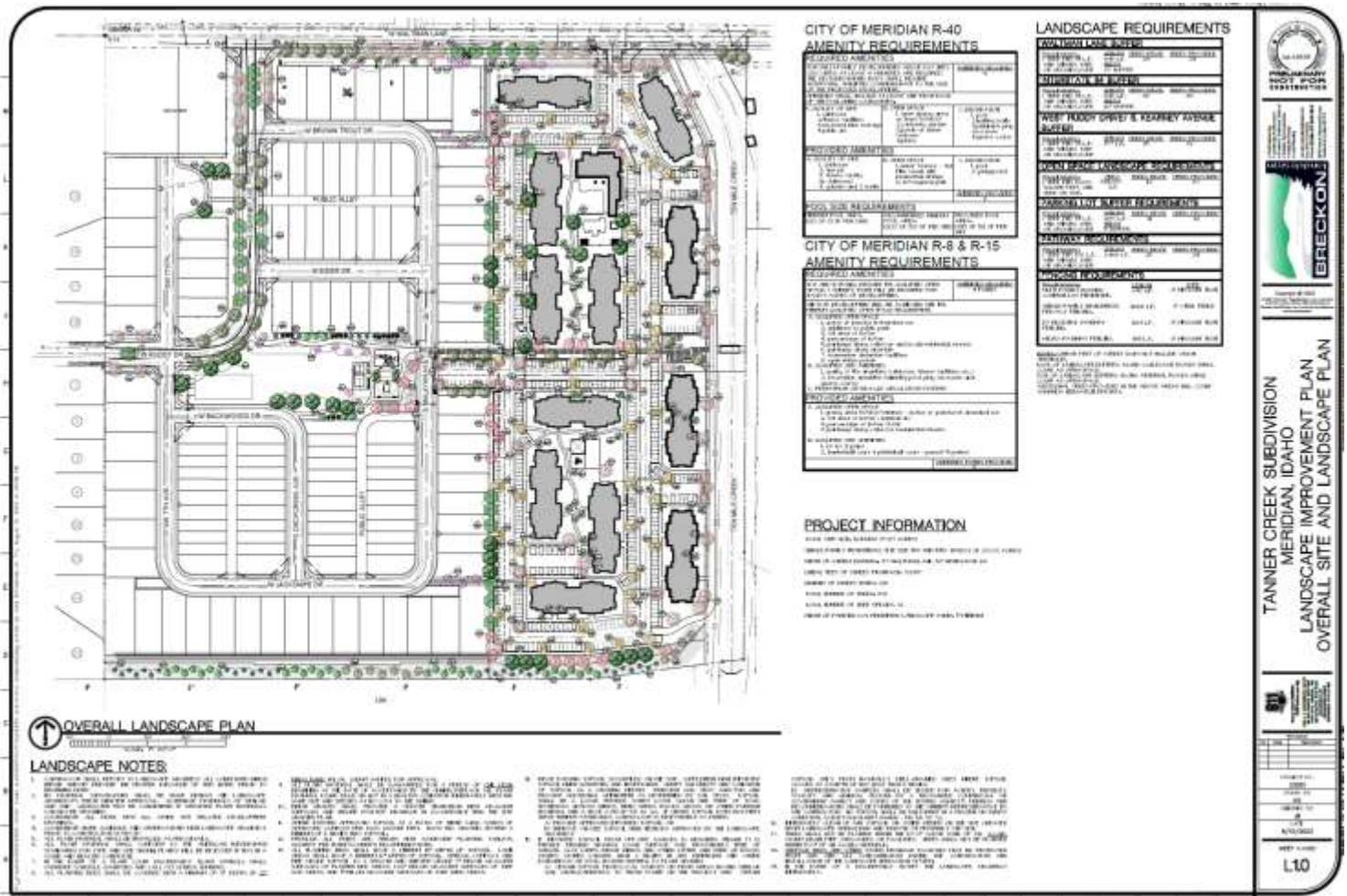
Tanner Creek Preliminary Plat
Job No. 23-64

TANNER CREEK SUBDIVISION PRELIMINARY PLAT EXHIBIT

LOCATED IN THE NW 1/4 OF THE SE 1/4 OF SECTION 13, T3N, R1W, BM, ADA COUNTY, IDAHO

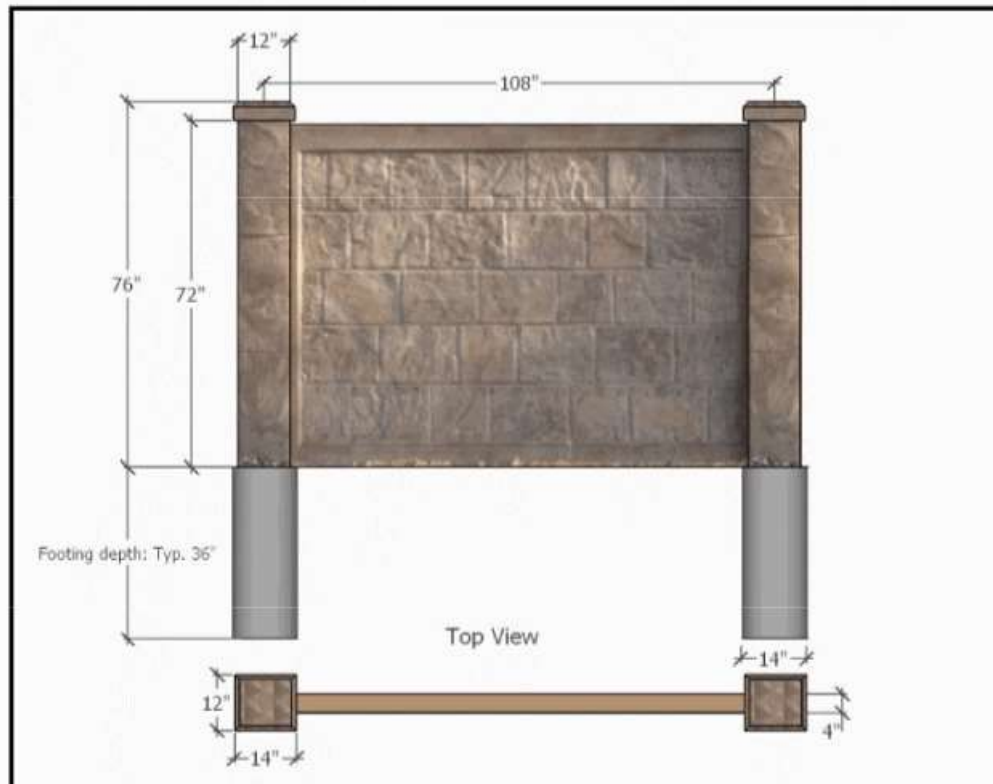


F. Landscape Plan (dated: 8/10/23)





RHINOROCK FENCE SPECIFICATIONS



TECHNICAL INFORMATION: RhinoRock Fence Panel		
Dimension of Panel	182 cm x 259 cm	72"x102"
Weight of Panel	105 Kg	230 lbs
Weight per area	21.5kg/m ²	4.9lbs/ft ²
Thickness of Panel	115mm	4.5"
EPS Foam Core thickness	63-95mm	2.5-3.75"
Glass fiber reinforced concrete shell thickness	9mm	5/16"
% glass fiber by volume	4-4.50%	
Compressive Strength of proprietary concrete mix design	4x10 ⁷ N/m ²	5800 psi
Ultimate tensile strength of glass fiber reinforced concrete	9.6x10 ⁶ - 1.4x10 ⁷ N/m ²	1400-2100 psi
Wind load capacity of panel	225 km/h	140mph with 1.6 safety factor
axial load capacity of panel	1644 kg/lineal meter	1100 lbs/lineal foot
moisture absorption of EPS foam core by total immersion	<4%	
Combustibility of glass fiber reinforced concrete shell	Non-combustible	
Freeze/thaw performance	200 freeze thaw cycles with no damage	
Derby, fungus, or mushroom attack	none	
Termite food source	none	

G. Qualified Open Space Exhibit (dated: 8/7/23) & Site Amenities

CITY OF MERIDIAN SINGLE FAMILY (R-8 AND R-15) OPEN SPACE REQUIREMENTS

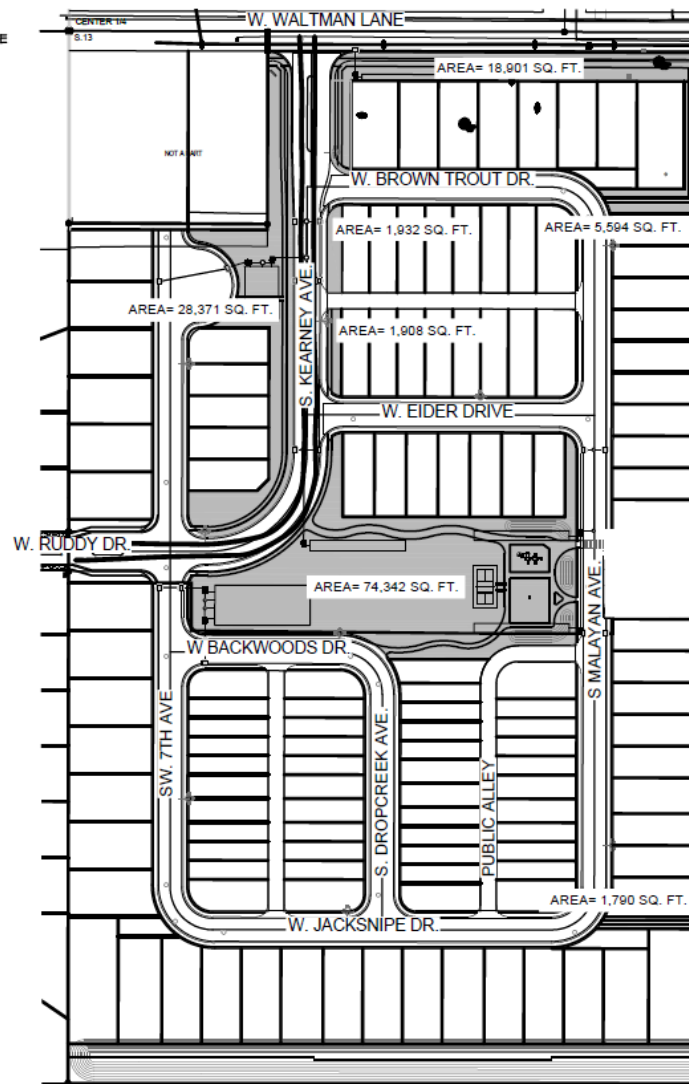
QUALIFIED OPEN SPACE			
15% OPEN SPACE REQUIRED (QUALIFIED OPEN SPACE)	TOTAL AREA: 454,502 SF (22.09±2 AC)	REQUIRED: 143,425 (9.30 AC) 15%	PROVIDED: *154,662 (9.66 AC) *16.6%*

*NOTE: THE SURPLUS QUALIFIED OPEN SPACE AMOUNT OF 26,932 S.F. IN THE R40 ZONE (SEE EXHIBIT X1.0), EXCEEDS THE QUALIFIED OPEN SPACE DEFICIT OF 11,083 S.F. IN ZONES R8 AND R15. THE SURPLUS IN R40 IS TO BE APPLIED TO R8 AND R15.

LANDSCAPE LEGEND



QUALIFIED OPEN SPACE



• Civil Engineering
• Landscape Architecture
• Erosion & Sediment Control
• Graphic Communication
• Irrigation Design
• Land Planning

www.breckonlanddesign.com
Fax: 808-379-0508
Phone: 808-379-5153
8901 North Glenwood Street
Garden City, Idaho 83714

TANNER CREEK
WALTMAN LANE, MERIDIAN
OPEN SPACE EXHIBIT

1" = 200'-0"

8/7/2023

PROJECT #: 23051

X1.1

CITY OF MERIDIAN HIGH DENSITY RESIDENTIAL (R-40) OPEN SPACE REQUIREMENTS

COMMON OPEN SPACE

250 SF REQUIRED FOR EACH UNIT CONTAINING BETWEEN 500-1,200 SF (200 UNITS). 350 SF REQUIRED FOR EACH UNIT CONTAINING MORE THAN 1,200 SF (41 UNITS).	TOTAL AREA: 545,140 SF (12.51 AC)	REQUIRED: 81,778 (1.81 AC)
15% OPEN SPACE REQUIRED (QUALIFIED OPEN SPACE)		REQUIRED: 81,778 (1.81 AC) 15%
TOTAL OPEN SPACE	PROVIDED: 190,468 (4.31 AC) 35%	REQUIRED: 163,556 SF (3.75 AC) 30 %

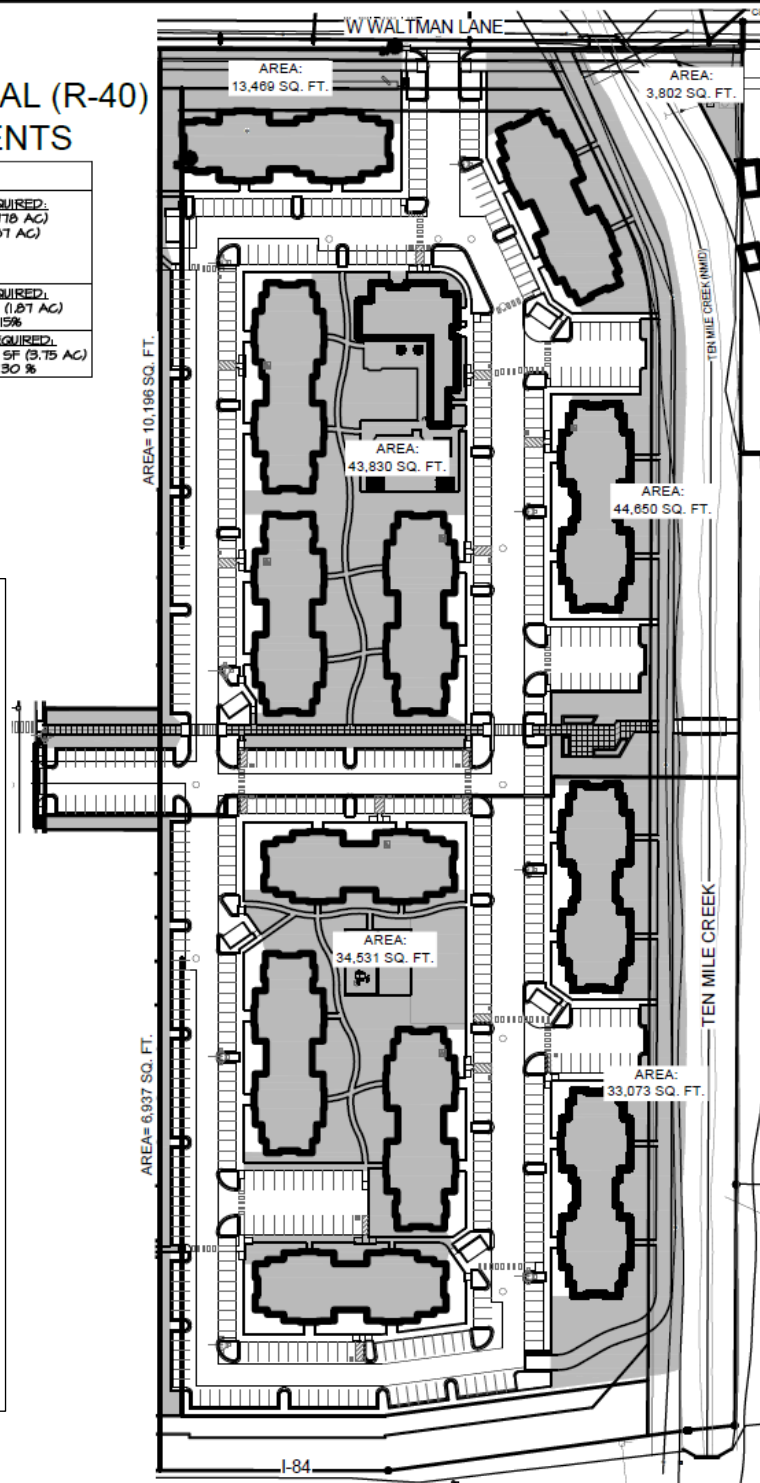
LANDSCAPE LEGEND



QUALIFIED OPEN SPACE

Not Approved
Calc's need to be revised to reflect 246 units @ 250 s.f. & 34 units @ 350 s.f. = 4.07 acres/177,160 s.f. overall

Open space areas that don't meet the minimum width standard of 20' and the area at the northeast corner of the site that is not well-connected or accessible except from the pathway along Waltman should be removed from the qualified open space calc's.



• Civil Engineering
• Landscape Architecture
• Erosion & Sediment Control
• Graphic Communication
• Irrigation Design
• Land Planning
www.breckonlanddesign.com
Fax: (208) 370-6008
Phone: (208) 370-6008
6901 North Glenwood Street
Garden City, Idaho 83714

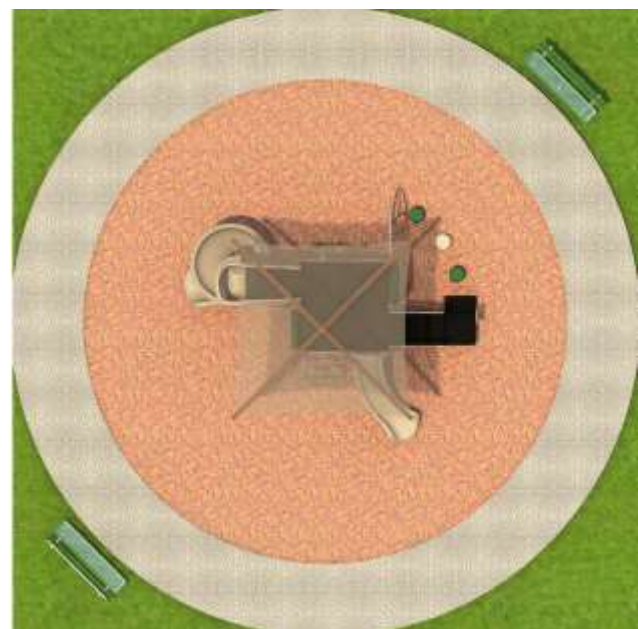
TANNER CREEK
WALTMAN LANE, MERIDIAN
OPEN SPACE EXHIBIT

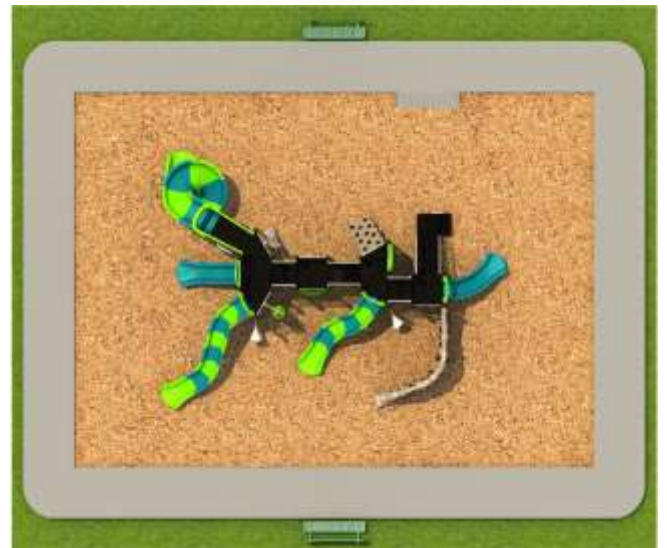
1" = 150'-0"

8/7/2023

PROJECT #: 23051

X1.0





H. Site Plan for Multi-Family Portion of Development (date: 7/12/2023)

TANNER CREEK APARTMENTS

WALTMAN LANE, MERIDIAN, IDAHO

DEVELOPER	END
CHALLENGER DEVELOPMENT 1911 E. HYVLELAND ROAD NORWICH, IOWA 52301	ENGINEERING SOLUTIONS LLP 1001 N. HODGKINS ST., #100 METHUEN, ID 83042

SITE DATA

WYOMING UNIVERSITY STUDENT	1990-1991	1991-1992
1990-1991	1990-1991	1990-1991
1991-1992	1991-1992	1991-1992
1992-1993	1992-1993	1992-1993
1993-1994	1993-1994	1993-1994
1994-1995	1994-1995	1994-1995
1995-1996	1995-1996	1995-1996
1996-1997	1996-1997	1996-1997
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2034-2035	2034-2035	2034-2035
2035-2036	2035-2036	2035-2036
2036-2037	2036-2037	2036-2037
2037-2038	2037-2038	2037-2038
2038-2039	2038-2039	2038-2039
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2252-2253	2252-2253	2252-2253
2253-2254	2253-2254	2253-2254
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2256-2257	2256-2257	2256-2257
2257-2258	2257-2258	2257-2258
2258-2		

	NUMBER	PERCENT
LONG LAST FOR SOME	40	17.47
LONG LAST FOR MOST	200	89.53
NEITHER LONG LAST FOR SOME NOR MOST	20	8.99

VICINITY MAP



AERIAL MAP



PROJECT AMENITIES

- [illegible]



DEVELOPMENT DATA

```

NUMBER OF DAYS OF WORKING BACKLOG..... 1 5796 57
NUMBER OF WORKING BACKLOG (PETS)..... 1 1
TOTAL MISSING EQUIPMENT VALUE..... 100000 57 2000
TOTAL VARIOUS OTHER..... 100000 57 2000
TOTAL LABORATORY..... 100000 57 2000
  * NUMBER MISSING EQUIPMENT VALUE (PETS) (PETS) (PETS)
  * NUMBER VARIOUS OTHER (PETS) (PETS) (PETS)
  * NUMBER LABORATORY (PETS) (PETS) (PETS)

```

APARTMENT BUILDING DATA

$$\begin{aligned} & \text{SOLUTION: Assume } T(x, y) = \\ & \begin{cases} 1000 + 16 \ln(x) + 7 \ln(y) & \text{if } 0 < x < 1000 \\ 1000 + 16 \ln(x) + 7 \ln(y) & \text{if } 0 < y < 1000 \\ 1000 + 16 \ln(x) + 7 \ln(y) & \text{if } 0 < x < 1000 \text{ and } 0 < y < 1000 \end{cases} \end{aligned}$$
$$\begin{aligned} & \text{if } \text{OCCUP} = \text{BUSINESS_TRIP} \text{ then} \\ & \quad \text{if } \text{START} \leq \text{LAST} \text{ then } \text{BUSINC} = 20 \text{ (997)} \\ & \quad \text{if } \text{OCC} = 1 \text{ then } \text{BUSINC} = 0 \text{ (997)} \text{ or } \text{BUSINC} = 0 \text{ (997)} \\ & \quad \text{if } \text{OCC} = 2 \text{ then } \text{BUSINC} = 10 \text{ (997)} \text{ or } \text{BUSINC} = 10 \text{ (997)} \\ & \quad \text{if } \text{OCC} = 3 \text{ then } \text{BUSINC} = 0 \text{ (997)} \text{ or } \text{BUSINC} = 0 \text{ (997)} \end{aligned}$$
[illegible]
$$\begin{aligned}
 & 2 \cdot 1000 + 3 \cdot 1000 + 1 \cdot 1000 = 6000 \\
 & 1 \cdot 1000 + 1 \cdot 1000 + 1 \cdot 1000 = 3000 \\
 & 1 \cdot 1000 + 1 \cdot 1000 + 1 \cdot 1000 = 3000 \\
 & \text{BARTER SYSTEM, YES} \\
 & 1 \cdot 1000 + 2 \cdot 1000 + 1 \cdot 1000 = 4000
 \end{aligned}$$

1-400 = 1-4000 [100]	0 0000 p + 0.000000 = 00 0000
1-400 = 1-4000 [100]	0 0000 p + 0.000000 = 00 0000
1-400 = 1-4000 [100]	0 0000 p + 0.000000 = 00 0000
TOTAL UNIT MILE	300 0000
1-400 = 1-4000 [100]	00 0000 0000

$1-100 = 1-100\%$ (100)	100	100%	(100)
$1-102 = 1-102\%$ (102)	102	102%	(102)
$1-92 = 1-92\%$ (108)	108	108%	(108)

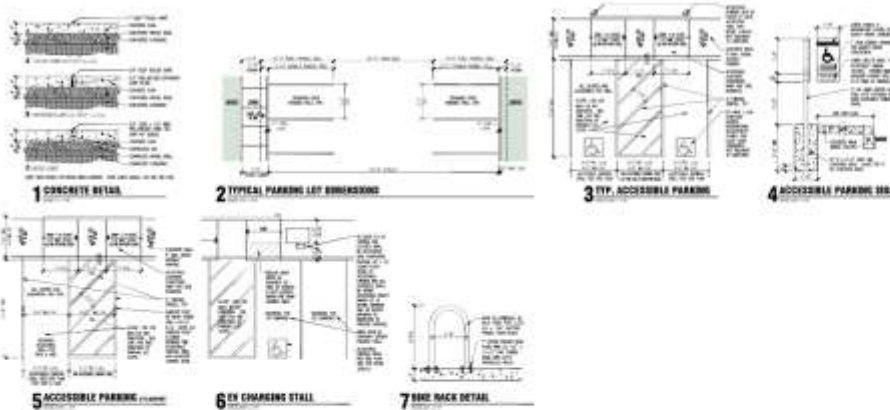
PARKING ANALYSIS

MONTHLY RECORD FOR FURNACE NO. 1000000000				
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11-1-1995	10	11-1-1995	11-1-1995	11-1-1995
12-1-1995	10	12-1-1995	12-1-1995	12

Via aerea diretta.....

OPEN ACCOUNTS DUE.....	2
OPEN AND RECEIVABLE DUE.....	10
PENDING OPEN DUE.....	208
OPEN CLOSING DUE.....	0
RECEIVABLE, CLOSING DUE.....	0
CLOSING AND OPEN DUE.....	114
TOTAL TO PAY DUE.....	324 750 000

OPEN SPACE ANALYSIS

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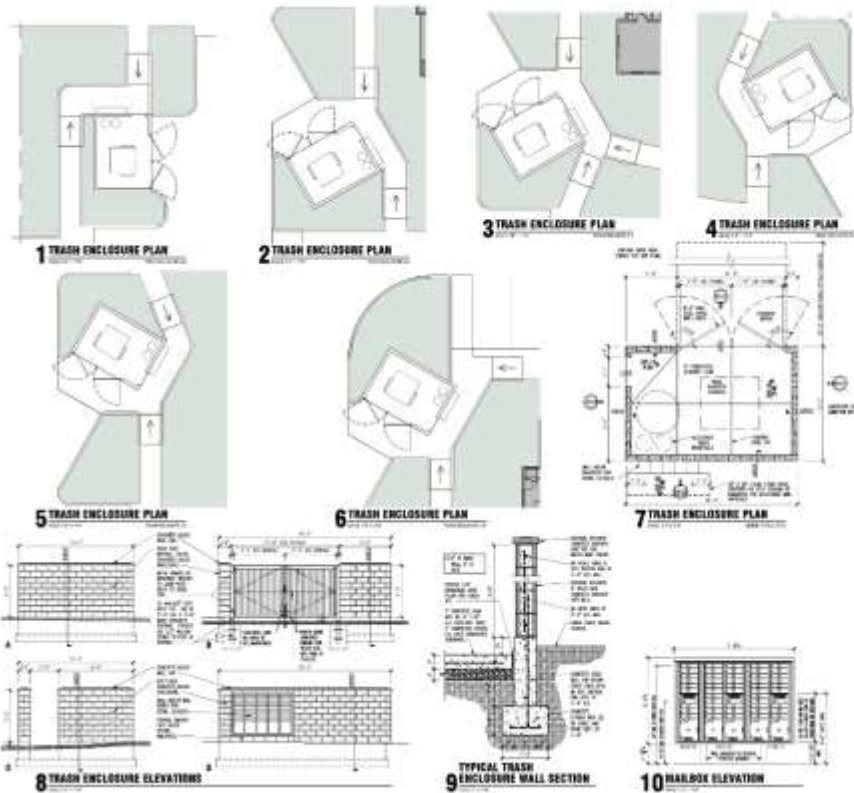
**TANNER GREEN
APARTMENTS**

100% Transferable
All Nations, 800-451-1000

PRELIMINARY

AS2.0

1000-0000
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- KEYNOTES**
1. SEE TRASH ENCLOSURE PLAN FOR TRASH ENCLOSURE PLAN.
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- GENERAL NOTES**
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- MAILBOX GENERAL NOTES**
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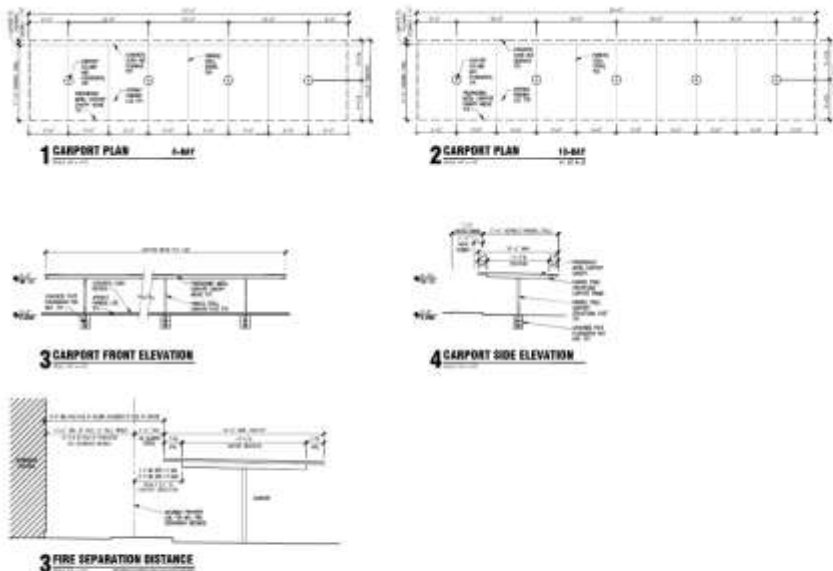


TANNER CREEK APARTMENTS

PHIL TRAVIS LANE
 BIRMINGHAM, ALABAMA

PRELIMINARY

AS3.0
 ARCHITECTURAL
 DRAWINGS



CARPORT CODE ANALYSIS

- CARPORT CODE ANALYSIS**
1. SEE TRASH ENCLOSURE PLAN FOR TRASH ENCLOSURE PLAN.
 2. SEE TRASH ENCLOSURE PLAN FOR TRASH ENCLOSURE PLAN.
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CARPORT GENERAL NOTES

- CARPORT GENERAL NOTES**
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CARPORT SCHEDULE



TANNER CREEK APARTMENTS

PHIL TRAVIS LANE
 BIRMINGHAM, ALABAMA

PRELIMINARY

AS4.0
 ARCHITECTURAL
 DRAWINGS

I. Building Elevation Photos & Renderings

Alley-loaded single-family detached units:



Alley-loaded single-family attached units:



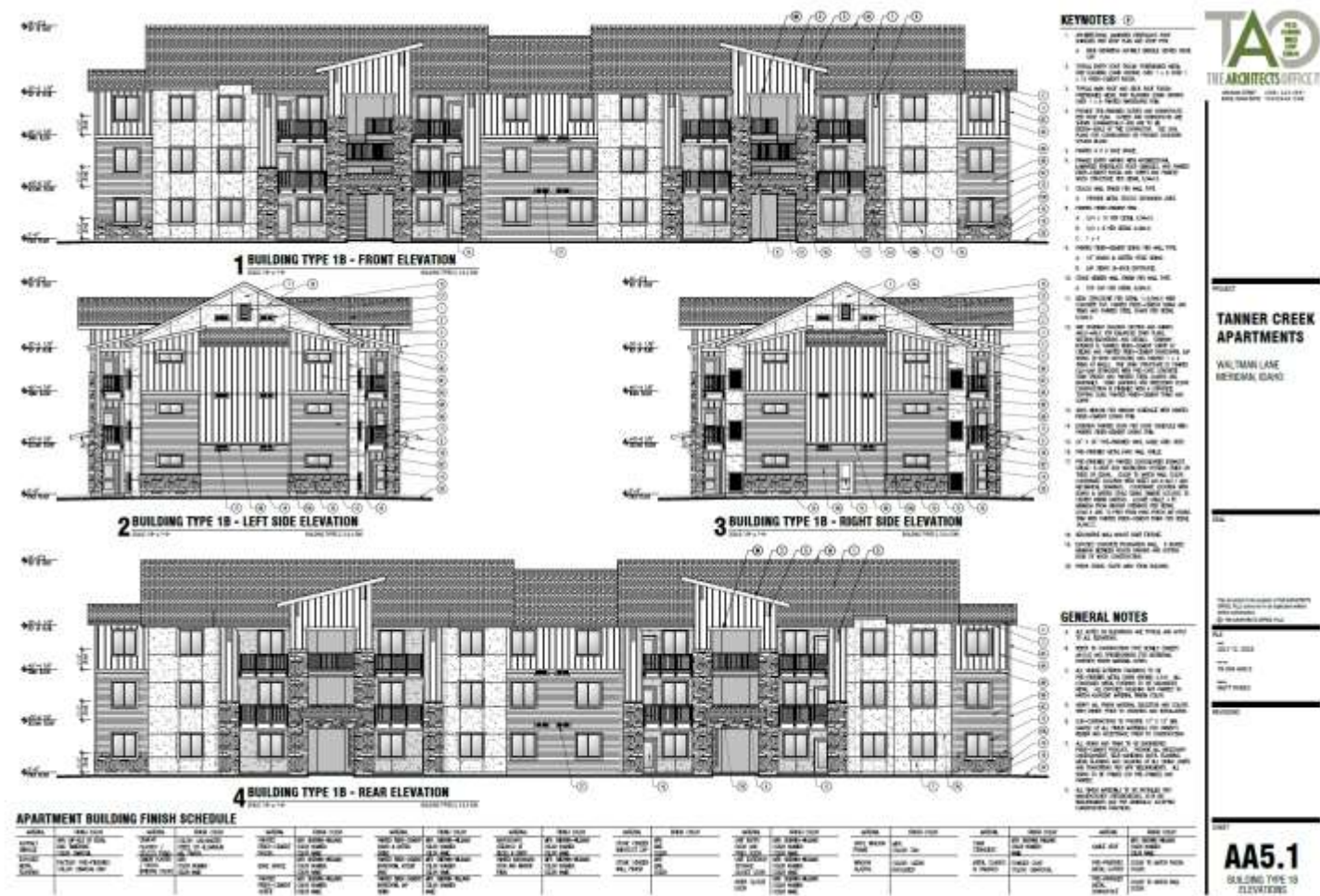
Alley-loaded townhome units:



Front-loaded single-family detached units:



Multi-Family:



KEYNOTES

1. SEE FINISH SCHEDULE FOR MATERIALS AND FINISHES.
2. SEE FINISH SCHEDULE FOR MATERIALS AND FINISHES.
3. SEE FINISH SCHEDULE FOR MATERIALS AND FINISHES.
4. SEE FINISH SCHEDULE FOR MATERIALS AND FINISHES.
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GENERAL NOTES

1. SEE FINISH SCHEDULE FOR MATERIALS AND FINISHES.
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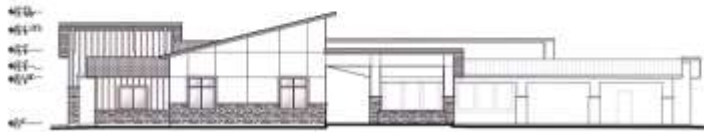
TAO
THE ARCHITECTS OFFICE, INC.
ARCHITECTS
1000 N. 10TH AVE., SUITE 100
DENVER, CO 80202
303.733.1000
www.taoarchitects.com

TANNER CREEK APARTMENTS
WILLOW LANE
BERKELEY, CA 94704

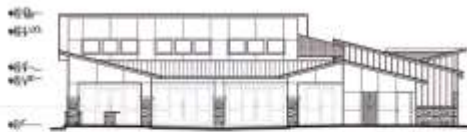
03/17/2024
10:00 AM
TANNER CREEK APARTMENTS
AA5.1 BUILDING TYPE 1B ELEVATIONS



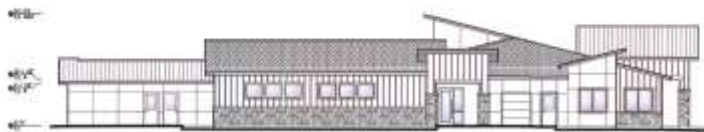
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2 BUILDING ELEVATION WEST
0 10 20 30'



3 BUILDING ELEVATION SOUTH
0 10 20 30'



4 BUILDING ELEVATION EAST
0 10 20 30'

PROJECT

**TANNER CREEK
APARTMENTS**

WILLOW LANE
MONROVIA, CA 91766

DATE

PRELIMINARY
THIS DOCUMENT IS FOR PRELIMINARY USE ONLY.
IT IS NOT TO BE USED FOR CONSTRUCTION.

BY

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AC2.0

CLUBHOUSE
FLOOR PLAN

J. Architectural Plans/Renderings of Subject Property and I-84 & Meridian Rd. Property



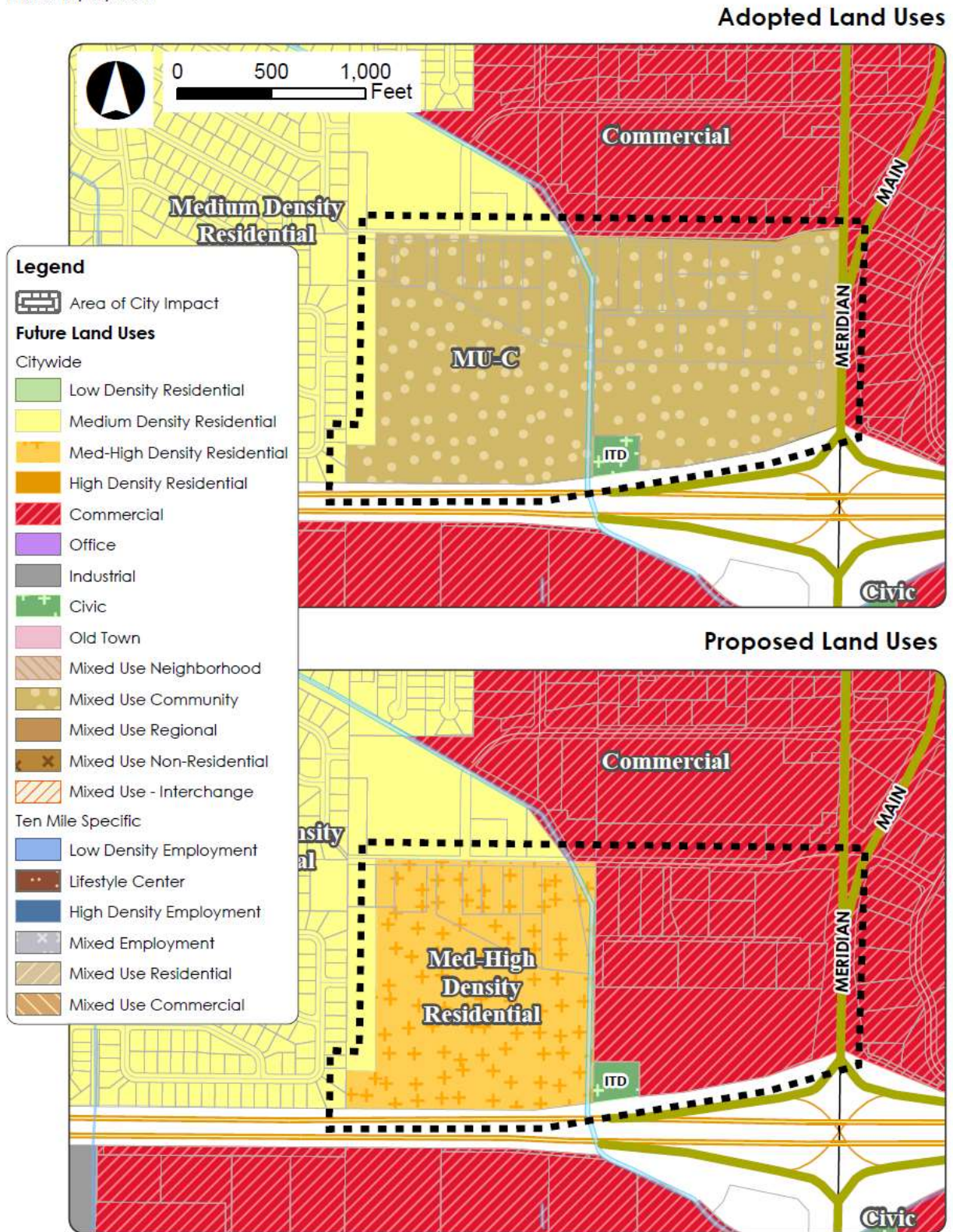






K. Proposed Change to the FLUM with the I-84 & Meridian Road Project (H-2021-0099)

Date: 10/12/2023



IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Development Agreement Modification:

1. The subject property shall no longer be subject to the terms of the existing Development Agreement (DA) (Inst. #108131100) upon the property owner(s) entering into a new agreement. The new DA shall be signed by the property owner(s) and returned to the City within six (6) months of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Development Agreement Modification and Rezone request. The new DA shall include the following provisions:
 - a. Future development of this site shall be generally consistent with the conceptual site plan, conceptual building elevations, preliminary plat, phasing plan, landscape plan, and qualified open space exhibits included in Section VII and the provisions contained herein. Flexibility in the phasing to adjust the number of lots, combination of lots and number of phases to reflect changing market conditions is permitted unless otherwise restricted herein or in the Cooperative Development Agreement with Ada County Highway District (ACHD).
 - b. The Developer shall construct a bridge across the Ten Mile Creek and extend Corporate Drive from the north to Waltman Lane ~~as a complete street section with detached 10-foot wide multi-use pathways along both sides of the street~~ as required by ACHD, prior to issuance of any building permits within the first phase of development.
 - c. The Developer shall widen W. Waltman Lane and reconstruct and widen the bridge across the Ten Mile Creek after the Phase 1 improvements have been made, which include the Corporate Drive extension, as required in the Cooperative Development Agreement with ACHD.
 - d. Noise abatement shall be provided for residential uses adjacent to Interstate 84 in accord with the standards listed in UDC 11-3H-4D. The berm and wall in its entirety shall be constructed with the first phase of development that's platted adjacent to I-84~~prior to issuance of the first Certificate of Occupancy within the development~~.
 - e. The rear and/or sides of new homes facing Interstate 84 and W. Waltman Ln. shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public streets. *Single-story structures are exempt from this requirement.*
 - f. No building permits shall be issued for this development until the property has been subdivided.
 - g. At no time shall construction traffic associated with the development of this site be allowed to access this site using Ruddy Dr. through The Landing Subdivision.
 - ~~h. The Linder Road overpass shall be completed prior to issuance of the first Certificate of Occupancy within the multi-family development.~~

Preliminary Plat:

2. The final plat shall include the following revisions:
 - a. Depict zero (0) lot lines where single-family attached and townhome units are proposed to span over property lines.
 - b. Include a cross-section of the typical alley that complies with the standards listed in UDC [11-6C-3B.5](#).
 - ~~c. Depict a local street/driveway connection from S. Malayan Ave. to the property to the east with a vehicular bridge over the Ten Mile Creek, that includes at a minimum a 5-foot wide walkway on at least one side, as set forth in UDC [11-3A-3A.3](#), unless otherwise waived by City Council, in lieu of the~~

~~pedestrian bridge proposed.~~ If City Council grants the waiver, the applicant shall construct the pedestrian bridge and connection as proposed. *Council granted a waiver to this requirement.*

3. The landscape plan included in Section VII.D shall be revised as follows:
 - a. Depict shrubs within the 5-foot wide strip of landscaping on the west side of the multi-use pathway along the creek in accord with the standards set forth in UDC [11-3B-12C](#).
 - b. Depict a driveway across Lot 1, Block 2 to the outparcel at the northwest corner of the site (i.e. Martinez property #S1213428080) in alignment with W. Brown Trout Dr. for future access.
 - c. Revise the detail of the wall along I-84 to demonstrate full compliance with the noise abatement standards listed in UDC [11-3H-4D](#), including the depiction of the centerline of the adjacent highway (i.e. I-84).
 - d. Depict 5-foot wide landscape buffers planted with shrubs, lawn or other vegetative groundcover where solid fencing is proposed adjacent to the common driveway as set forth in UDC [11-6C-3D.5](#).
 - e. The open space landscape requirements on the Landscape Requirements table shall be revised to reflect the updated standard of one (1) deciduous tree for every 5,000 square feet of common open space as set forth in UDC [11-3G-5B.3](#).
 - f. Include mitigation information as applicable for tree preservation in accord with the standards listed in UDC [11-3B-10C](#).
 - g. Stormwater swales incorporated into required landscape areas are required to be vegetated with grass or other appropriate plant materials and designed to accommodate the required number of trees as per [UDC 11-3B-7](#) if located in a street buffer or other required landscape area.
 - h. In the street buffer along Waltman Ln., depict enhanced landscaping as set forth in UDC [11-3B-7C.3f](#) for entryway corridors and comply with the standards listed in UDC [11-3G-3B.3](#).
 - i. Depict a perpetual ingress/egress easement for the common driveways on the plat and include a note with a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment as set forth in UDC 11-6C-3D.8.
4. Address signage needs to be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes.
5. All alleys shall be constructed per the standards listed in UDC [11-6C-3B.5](#).
6. All common driveways shall be constructed per the standards listed in UDC [11-6C-3D](#) as depicted in the exhibits in Section VIII.D.
7. Address signage shall be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes.
8. All existing structures on this site are required to be removed prior to signature on the final plat for the phase in which they are located.
9. A 14-foot wide public pedestrian easement for the multi-use pathway shall be submitted to the Planning Division for approval by City Council and subsequent recordation.
10. A private street application shall be submitted for the streets within the multi-family portion of the development. All private streets shall comply with the standards listed in UDC [11-3F-4](#).
11. The proposed plat and subsequent development is required to comply with the UDC dimensional standards for the associated zoning districts is required, as follows: [Table 11-2A-6](#) for the R-8 zoning district; [Table 11-2A-7](#) for the R-15 zoning district; and [Table 11-2A-8](#) for the R-40 zoning district. The standards for all development in residential districts are listed in [11-2A-3](#).

Conditional Use Permit:

12. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC [11-4-3-27](#).
13. For each of the multi-family units, a minimum of eighty (80) square feet of private, usable open space shall be provided for each unit as set forth in UDC 11-4-3-27B.3. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Floor plans with square footage noted for patios and balconies shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with this standard.
14. 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.**
15. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. Depict bicycle racks capable of holding a minimum of 23 bicycles dispersed throughout the development; include a detail for the bicycle rack that complies with the standards listed in UDC 11-3C-5C.
 - b. 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.
 - c. Depict a directory and map of the development at the entrance or convenient location for those entering the development; and a central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access in accord with UDC [11-4-3-27B.7](#).
 - d. Depict landscaping along the foundations of all street facing elevations adjacent to Waltman Ln as set forth in UDC [11-4-3-27E.2](#).
 - e. The berm along Waltman Ln. shall be at least four feet (4') in height as set forth in UDC [11-4-3-27C.7](#), unless otherwise approved through the conditional use process.
16. Developments with units that take access via secured common corridors shall install and maintain a keyless entry system, or suitable alternative, to provide police access to the common corridors under exigent circumstances. The keyless entry system or alternative shall be subject to review and approval by the Meridian Police Department.

B. PUBLIC WORKS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=307656&dbid=0&repo=MeridianCity>

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=309297&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=305428&dbid=0&repo=MeridianCity>

E. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=305439&dbid=0&repo=MeridianCity&cr=1>

F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=306794&dbid=0&repo=MeridianCity>

G. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=306844&dbid=0&repo=MeridianCity>

H. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=305961&dbid=0&repo=MeridianCity>

I. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=305608&dbid=0&repo=MeridianCity>

J. MERIDIAN DEVELOPMENT CORPORATION (MDC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308453&dbid=0&repo=MeridianCity>

K. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308348&dbid=0&repo=MeridianCity>

Traffic Impact Study (updated):

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308355&dbid=0&repo=MeridianCity>

Response to Review Comments on TIS Update:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308356&dbid=0&repo=MeridianCity>

Traffic Trip Generation Study (2018) & Updated Calculations:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=187103&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308358&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;

City Council finds the Applicant's proposal to rezone and develop the subject property with a variety of residential uses is consistent with the associated FLUM amendment to MHDR with H-2021-0099 for the property and the applicable provisions of the Comprehensive Plan as noted above in Section V above.

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

City Council finds the proposed map amendment/rezone and development complies with the purpose statement of the residential districts in that it will provide for a range of housing opportunities for the community consistent with the Comprehensive Plan.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
City Council finds the proposed map amendment/rezone should not be detrimental to the public health, safety and welfare as the proposed residential uses should be compatible with adjacent existing residential properties to the west, north and east and provide a good transition to proposed commercial uses to the east.
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
City Council finds City services are available to be provided to this development. Comments were not received from West Ada School District.
5. The annexation (as applicable) is in the best interest of city.
City Council finds the proposed rezone 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)
City Council finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the Development Agreement provisions and conditions of approval in Section VIII.
2. Public services are available or can be made available and are adequate to accommodate the proposed development;
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;
City Council finds the proposed plat is in substantial conformance with scheduled public improvements in accord with the City's CIP.
4. There is public financial capability of supporting services for the proposed development;
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
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)
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.**

City Council finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the R-40 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.**

City Council finds that the proposed use is consistent with the proposed future land use map designation of MHDR and is allowed as a conditional use per UDC Table 11-2A-2 in the R-40 zoning district.

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.**

City Council finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for 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.**

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. The Commission should weigh any public testimony provided to determine if the development will adversely affect other properties in the vicinity.

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.**

City Council finds that essential public services are available to this property and that the use will be adequately served by these facilities.