

DEVELOPMENT AGREEMENT

PARTIES:

1. **City of Meridian**
2. **GRH Meridian I-84, LLC, Owner/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 **GRH Meridian I-84, LLC, LLC**, whose address is 855 W. Broad Street, Boise, Idaho 83702, hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A,” which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer has submitted an application for an amendment to the Comprehensive Plan Future Land Use Map (FLUM) to change the future land use designation on 70.4 acres of land from Mixed-Use Community (MU-C) to Commercial (34.3 acres) and Medium High Density Residential (MHDR) (approximately 36.1 acres); and annexation and zoning of 18.30 acres of land with a request for the C-G (General Retail and Service Commercial) zoning district on the property as shown in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested rezoning held before Planning and Zoning Commission and the City Council includes responses of

government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 5th day 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**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation is in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

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

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

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER/DEVELOPER:** means and refers to **GRH Meridian I-84, LLC**, whose address is 855 W. Broad Street, Boise, Idaho 83702, hereinafter called OWNER/DEVELOPER, the party that owns and is developing said Property and shall include any subsequent owner(s)/developer(s) of the Property.
- 3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit “A” describing a parcel

to bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

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

4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.

4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

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

5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:

- a. Future development of this site shall be generally consistent with the conceptual development plan, renderings, pedestrian circulation plan and vehicular connectivity plan included in Section VIII 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 general configuration and size of the building footprints and orientation, plaza areas, and parking on the site shall be allowed with an allowance for up to 20% change in square footages of buildings.
- b. As proposed by the Developer, a minimum of 10% of the total building square footage for the site shall be reserved for non-retail commercial uses that may include such uses as office, clean industry, entertainment, hospitality/hotel, fitness and/or recreation, personal services, non-drive-through restaurants, health care, daycare, finance and/or banking, and educational and/or training uses.
- c. A vehicular cross-access/ingress-egress easement shall be provided to the outparcel (Parcel #S1213417320) at the northwest corner of the site and a recorded copy of the easement submitted to the Planning Division with the first Certificate of Zoning Compliance application for the site. The easement shall grant consent to the owner/developer of the outparcel to construct the driveway on the subject property at the time of development.
- d. A detached 10-foot-wide multiuse pathway shall be provided within the street buffer along Waltman Ln.; and a 10-foot-wide multiuse pathway shall be provided east/west through the site in accord with the Pathways Master Plan with connections to the pathways along Waltman Ln. and Meridian rd. and internal pedestrian walkways. Coordinate the location of the pathway through the site with the Parks Department. A 14-foot-wide public pedestrian easement shall be required for the multiuse pathways if located outside the public right-of-way; a recorded copy of such shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.

- e. Internal pedestrian walkways shall be a minimum of 5 feet wide and shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks, as set forth in UDC 11-3A-19.
- f. A bus stop should be provided in the plaza area near Shop 1 or an alternate location acceptable to Valley Regional Transit (VRT).
- 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 and Tanner Creek subdivisions.
- h. If the improvements to Waltman Ln. and Corporate Dr. aren't completed by the developer of the project (Tanner Creek) to the west as planned, these improvements shall be completed by this developer through a Cooperative Development Agreement (CDA) with ACHD, as follows:
 - Extend Corporate Dr. offsite from its current terminus north of Ten Mile Creek to Waltman Ln. and construct a new bridge over the Ten Mile Creek, within existing right-of-way as required by ACHD. These improvements shall occur with the first phase of development and shall be complete prior to issuance of any Certificate of Occupancy for the site.
 - Construct Waltman Ln. as half 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 from centerline with 7 feet of the sidewalk located outside of the dedicated right-of-way abutting the site. All improvements shall be constructed south of the existing edge of pavement for Waltman Ln., shifting the centerline 8 feet south to the south. The north side of Waltman Ln. shall be constructed 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 runoff. Center turn lanes shall be constructed on Waltman Ln. if determined necessary by ACHD. The improvements to Waltman Ln. shall include 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 shall be completed as required by ACHD and shall occur with the first phase of development and be complete prior to issuance of any Certificate of Occupancy for the site.

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

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

- 7.1 **Acts of Default.** In the event Owner/Developer, or Owner/Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions

included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.

- 7.2 **Notice and Cure Period.** In the event of Owner/Developer's default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.
- 7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.
- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.
- 7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.6 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

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

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

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

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

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

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

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

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

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

OWNER/DEVELOPER:
GRH Meridian I-84, LLC
855 W. Broad St.
Boise, ID 83702

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

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

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

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

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

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

20. **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.

21. **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.

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

22.1 No condition governing the uses and/or conditions governing rezoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the

notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

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

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

ACKNOWLEDGMENTS

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

OWNER:

GRH Meridian I-84, LLC

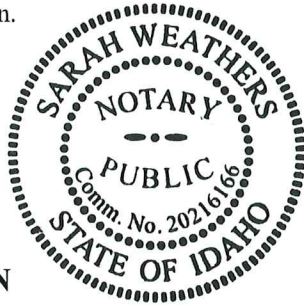
Brian Huffaker
By: BRIAN HUFFAKER

STATE OF IDAHO)
 : ss:
County of Ada)

On this 2 day of January, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian Huffaker, known or identified to me to be the owner of **GRH Meridian I-84, LLC** and the person who signed above and acknowledged to me that they executed the same.

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

(SEAL)



[Signature]
Notary Public
My Commission Expires: 01-12-2028

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

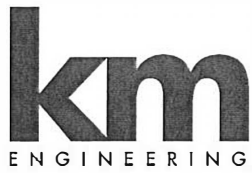
STATE OF IDAHO)
 : ss
County of Ada)

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: _____



December 8, 2023
Project No.: 20-176
I-84/Meridian Road
Development Agreement
Legal Description

Exhibit A

A parcel of land being a portion of the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 3 North, Range 1 West, B.M., City of Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at a brass cap marking the East 1/4 corner of said Section 13, which bears S89°26'10"E a distance of 2,642.64 feet from a 5/8-inch rebar marking the Center 1/4 corner of said Section 13, thence following the northerly line of said Northeast 1/4 of the Southeast 1/4, N89°26'10"W a distance of 1,196.68 feet;

Thence leaving said northerly line, S00°51'50"W a distance of 25.00 feet to a 5/8-inch rebar on the southerly right-of-way of West Waltman Lane and being the **POINT OF BEGINNING**.

Thence following said southerly right-of-way the following five (5) courses:

1. S89°26'10"E a distance of 479.78 feet to a 5/8-inch rebar;
2. S00°51'50"W a distance of 20.00 feet;
3. S89°26'10"E a distance of 371.73 feet to a 5/8-inch rebar;
4. N82°46'30"E a distance of 147.54 feet to a 5/8-inch rebar;
5. S89°26'10"E a distance of 141.03 feet to the westerly right-of-way of South Meridian Road;

Thence leaving said southerly right-of-way and following said westerly right-of-way the following six (6) courses:

1. S01°01'27"W a distance of 83.00 feet;
2. 179.68 feet along the arc of a curve to the left, said curve having a radius of 1,245.92 feet, a delta angle of 08°15'46", a chord bearing of S11°24'20"W and a chord distance of 179.52 feet to a 5/8-inch rebar;
3. S04°38'26"W a distance of 136.12 feet to a 5/8-inch rebar;
4. S89°08'08"E a distance of 17.92 feet;
5. S06°53'13"W a distance of 244.01 feet to a PK nail;
6. S08°26'58"W a distance of 374.88 feet to an aluminum cap on the northerly right-of-way of Interstate 84;

Thence leaving said westerly right-of-way and following said northerly right-of-way the following six (6) courses:

1. S70°43'09"W a distance of 34.02 feet;
2. S67°01'27"W a distance of 214.27 feet to an aluminum cap;
3. S79°29'13"W a distance of 465.73 feet to an aluminum cap;
4. S84°30'07"W a distance of 231.30 feet to an aluminum cap;
5. N00°25'56"E a distance of 184.21 feet;
6. N89°34'04"W a distance of 246.40 feet to an aluminum cap;

Thence leaving said northerly right-of-way, N00°43'22"E a distance of 396.63 feet to a 5/8-inch rebar;

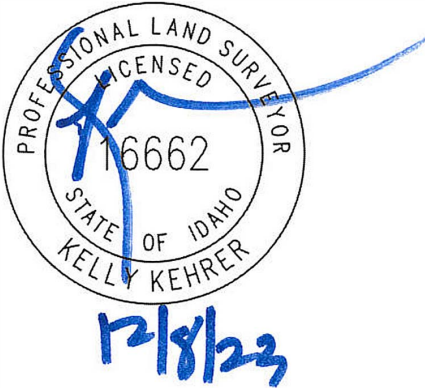
Thence N00°47'14"E a distance of 270.15 feet;

Thence S89°26'10"E a distance of 124.11 feet;

Thence N00°51'50"E a distance of 369.65 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 29.89 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

Attached hereto is Exhibit B and by this reference is made a part hereof.



CENTER 1/4 CORNER SECTION 13
FOUND 5/8-INCH REBAR

POINT OF COMMENCEMENT
EAST 1/4 CORNER SECTION 13
FOUND BRASS CAP

W. Waltman Ln.
BASIS OF BEARING
S89°26'10"E 2642.64'

1445.96'

S00°51'50"W
25.00' (TIE)

N89°26'10"W 1196.68'

S89°26'10"E 479.78'

S89°26'10"E
371.73'

POINT OF
BEGINNING

Unplatted
N00°51'50"E
369.65'

S89°26'10"E
124.11'

N00°47'14"E
270.15'

Total Area: 29.89± AC.

S1213417006, S1213417045, S1213417261
S1213417281, S1213417300, S1213417310
S1213417480, S1213417521, S1213417550
S1213417600, S1213417630, S1213417650
S1213417680, S1213417699 & S1213417707

S06°53'13"W
244.01'

Unplatted

N00°43'22"E
396.63'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	1245.92'	179.68'	8°15'46"	S11°24'20"W	179.52'

N89°34'04"W

246.40'

N00°25'56"E
184.21'

S79°29'13"W 465.73'
W. Bound Interstate 84
(On Ramp)

S84°30'07"W
231.30'

S70°43'09"W
34.02'

S67°01'27"W
214.27'

S08°26'58"W
374.88'

S. Meridian Rd.

-R/W

0 250 500 750

Plan Scale: 1" = 250'



LEGEND

- BRASS CAP
- ALUMINUM CAP
- 5/8-INCH REBAR
- CALCULATED POINT
- BOUNDARY LINE
- SECTION LINE
- R/W EXISTING RIGHT-OF-WAY LINE



km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

DATE: December 2023

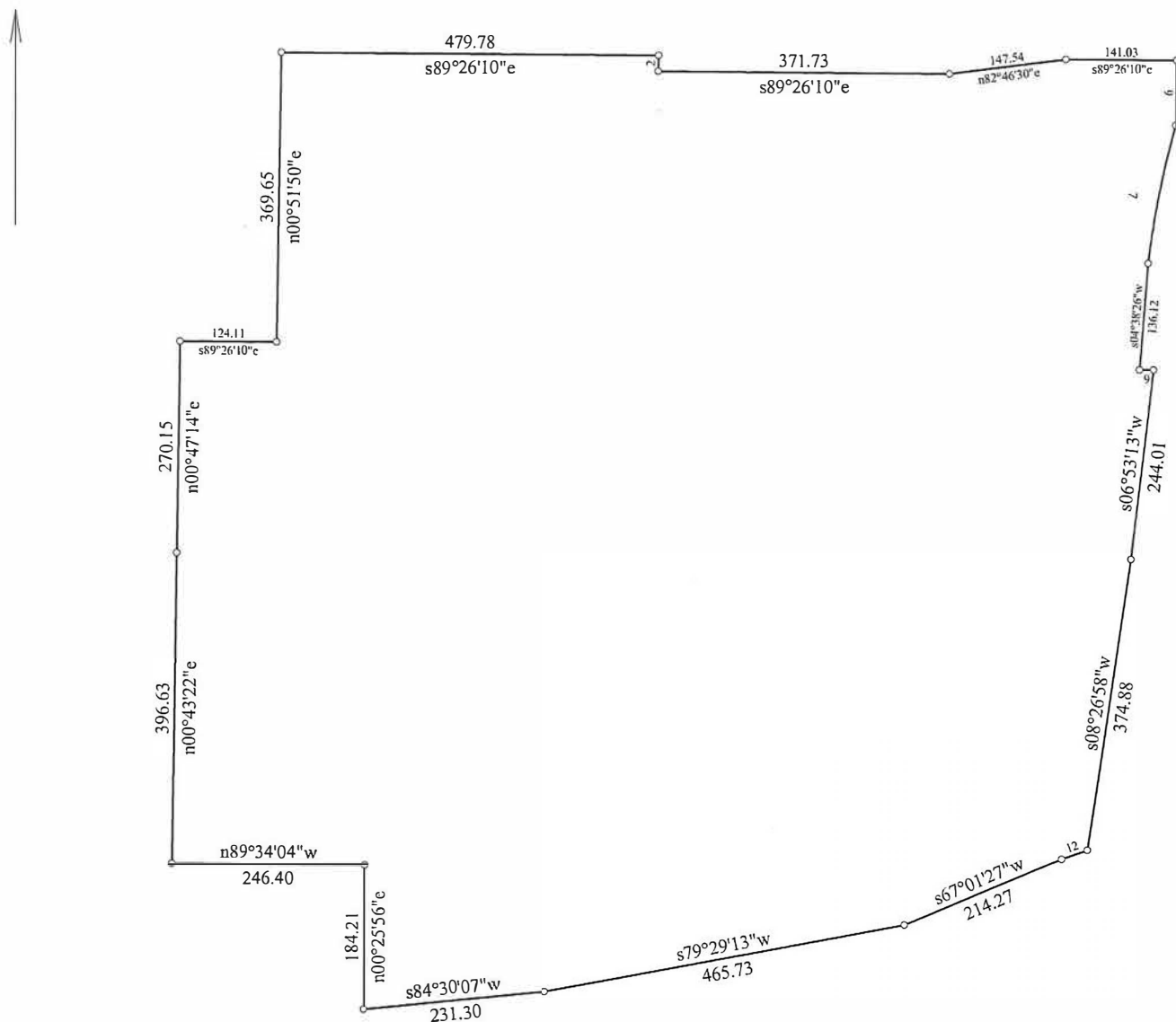
PROJECT: 20-176

SHEET:
1 OF 1

Exhibit B Development Agreement

I-84 / Meridian Road

A Portion of the NE 1/4 of the SE 1/4 of Section 13, T3 N R 1W, B M Ada County, Idaho



Title: Development Agreement 20-176

Date: 12-08-2023

Scale: 1 inch = 220 feet

File: Deed Plotter.des

Tract 1: 29.893 Acres: 1302132 Sq Feet: Closure = n21.1627e 0.02 Feet: Precision = 1/283686: Perimeter = 4732 Feet

001=s89.2610e 479.78	009=s89.0808e 17.92	017=n89.3404w 246.40
002=s00.5150w 20.00	010=s06.5313w 244.01	018=n00.4322e 396.63
003=s89.2610e 371.73	011=s08.2658w 374.88	019=n00.4714e 270.15
004=n82.4630e 147.54	012=s70.4309w 34.02	020=s89.2610e 124.11
005=s89.2610e 141.03	013=s67.0127w 214.27	021=n00.5150e 369.65
006=s01.0127w 83.00	014=s79.2913w 465.73	
007: Lt, R=1245.92, Delta=08.1546	015=s84.3007w 231.30	
Bng=s11.2420w, Chd=179.52	016=n00.2556e 184.21	
008=s04.3826w 136.12		

EXHIBIT B

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



In the Matter of the Request for an Amendment to the Comprehensive Plan Future Land Use Map (FLUM) to Change the Future Land Use Designation on 70.4 Acres of Land from Mixed Use – Community (MU-C) to Commercial (34.3 Acres) and Medium High Density Residential (36.1+/- Acres); and Annexation of 18.30-Acres of Land with a C-G (General Retail and Service Commercial) Zoning District for I-84 + Meridian Road, by Hawkins Companies.

Case No(s). H-2021-0099

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 an amendment to the Future Land Use Map in the Comprehensive Plan and Annexation and Zoning is hereby approved with the requirement of a development agreement 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 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 TREG BERNT

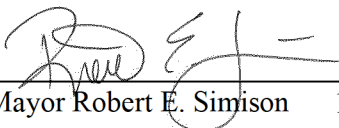
VOTED _____

COUNCIL MEMBER LIZ STRADER

VOTED AYE

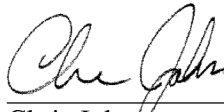
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison 12-5-2023

Attest:



Chris Johnson 12-5-2023
City Clerk



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-2021-0099
I-84 + Meridian Road – CPAM,
AZ

LOCATION: Generally located at the northwest
corner of S. Meridian Rd. and I-84
on the south side of W. Waltman
Ln., in the southeast ¼ of Section
13, T.3N., R.1W.



Note: Since this project was remanded back to the Commission, the Applicant has changed their CPAM request from MU-R to Commercial and included the Tanner Creek project to the west in the amendment with a change from MU-C to MHDR at the recommendation of Staff. An amended conceptual development plan and associated exhibits have also been submitted. The staff report has been updated accordingly.

I. PROJECT DESCRIPTION

Amendment to the Comprehensive Plan Future Land Use Map (FLUM) to change the future land use designation on ~~33.137~~33.1370.4-acres of land from Mixed Use – Community (MU-C) to ~~Mixed Use – Regional (MU-R)~~ Commercial (34.3-acres) and Medium High Density Residential (MHDR) (36.1+/- acres); and annexation of 18.30-acres of land with a C-G (General Retail and Service Commercial) zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	33.137 <u>33.1370.4</u> acres (CPAM); 18.30 acres (AZ)
Future Land Use Designation (existing/proposed)	MU-C (Mixed Use – Community) (existing); Commercial (proposed on subject 34.3-acre property) & MHDR (Medium High Density Residential) (proposed on adjacent 36.1-acre Tanner Creek property)
Existing Land Use	Single-family residential and vacant/undeveloped land
Proposed Land Use(s)	Commercial
Current Zoning	R1 and RUT in Ada County; and C-G (General Retail and Service Commercial)
Proposed Zoning	C-G (General Retail and Service Commercial)
Physical Features (waterways, hazards, flood plain, hillside)	The Ten Mile Creek runs along the west boundary of the site.

Neighborhood Meeting Date	12/9/2021
History (previous approvals)	Annexation Ordinance #435 (High Country of Idaho) & 02-987 (Urban Renewal MDC); H-2019-0101 (Resolution # 19-2179) – Future Land Use Map change

B. Project Maps

Note: The Future Land Use Map shown below includes the property subject to the CPAM request; the other maps only depict the AZ property.

Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Ethan Mansfield, Hawkins Companies – 855 W. Broad Street, Boise, ID 83702

B. Owner:

Hawkins Companies – 855 W. Broad Street, Boise, ID 83702

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	4/5/2022; <u>10/17/23</u>	5/29/2022; 11/5/2023
Radius notification mailed to property owners within 300 feet	4/4/2022; <u>10/13/23</u>	5/26/2022; 11/3/2023
Public hearing notice sign posted on site	4/7/2022; <u>10/23/23</u>	6/3/2022; 11/9/2023
Nextdoor posting	4/5/2022; <u>10/17/23</u>	5/25/2022; 11/3/2023

V. COMPREHENSIVE PLAN ANALYSIS

EXISTING FUTURE LAND USE DESIGNATION: This property and the adjacent property to the west totaling 70.4 acres of land is currently designated as Mixed Use – Community (MU-C) on the Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#) (see map in Section VIII.A). The purpose of this designation is to allocate areas where community-serving 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 Mixed Use Neighborhood (MU-N) 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. Developments are encouraged to be designed according to the conceptual MU-C plan depicted in Figure 3C. (See pgs. 3-11 through 3-16 for more information.)

PROPOSED FUTURE LAND USE DESIGNATION: The proposed FLUM designation for this property is ~~Mixed Use~~ Regional Commercial (34.3 acres) and Medium High Density Residential (MHDR) (36.1 acres) for the adjacent property to the west (see map in Section VIII.A). ~~The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D. (See pgs. 3-16 & 3-17 for more information.)~~

The Commercial designation will provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but

should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities. Sample zoning include: C-N, C-C, and C-G.

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.

The Applicant submitted a conceptual developmet plan for the area included in the FLUM amendment (see Section VIII.D). The subject property, proposed to be designated Commercial, is proposed to develop with a mix of regional commercial/retail and restaurant uses with some neighborhood serving uses. The adjacent property to the west, proposed to be designated MHDR, is proposed to develop with a mix of residential uses, including single-family, townhome and multi-family dwellings. The proposed uses are consistent with the FLUM designations proposed for the subject property and the property to the west.

Note: The initial FLUM amendment request for this property 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 Tanner Creek 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 change their request for a map amendment from the MU-R to the Commercial designation and include a map amendment on the adjacent property to the west

(Tanner Creek) 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 and is more appropriate than the existing and previously proposed MU-R designation.

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*):

- “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 be required to connect to City water and sewer systems.
- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)
The surrounding properties have all been annexed into the City; the property to the north is developed, the property to the west is proposed to develop with residential uses (i.e. Tanner Creek). Development of this infill property will result in more efficient provision of public services.
- “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.
- “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 Waltman Ln. as a collector street where it abuts the site due to the increased traffic anticipated with this development and the adjacent property to the west (Tanner Creek).
- “Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments.” (3.07.02A)
A pedestrian circulation plan was submitted for the site, included in Section VIII.F.
- “Improve and protect creeks and other natural waterways throughout commercial, industrial, and residential areas.” (4.05.01D)
The Ten Mile Creek along the site's west boundary should be protected during construction.
- “Support Valley Regional Transit's (VRT) efforts to construct multi-modal transit centers in areas of high commercial activity and employment as well as areas with transit-supportive residential densities.” (6.01.01B)
A bus stop is proposed within this development, which will serve residents of the residential development to the west and employees and customers of the proposed commercial development.
- “Locate smaller-scale, neighborhood-serving commercial and office use clusters so they complement and provide convenient access from nearby residential areas, limiting access to arterial roadways and multimodal corridors.” (3.07.02B)
Smaller-scale neighborhood commercial uses are proposed along with two (2) larger retail buildings. A pedestrian pathway is proposed for access between the subject property and the adjacent proposed

residential property (Tanner Creek) to the west. For better connectivity, a more direct access, and to reduce traffic on the collector street (Waltman Ln.), Staff recommends a vehicular driveway/bridge is provided across the Ten Mile Creek between the two projects for easy access from the residential development in accord with UDC [11-3A-3A.2](#).

- “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 annexed into the City. The development of this property will result in better provision of City services.

LAND-USE FOCUS — ADHERENCE TO PROPOSED COMPREHENSIVE PLAN LAND-USE POLICY:

The following analysis is specific to the request for a Mixed Use Regional (MU-R) designation, and not the merits or benefits of the project or proposed uses. Analysis for either compliance with the adopted future land use designation of MU-C, or another one, may result in very different analysis. A property designated MU-R must comply with both the general mixed use policies and the MU-R policies below:

The purpose and intent of Mixed Use (General) is: In general, the purpose of this designation is to provide for a combination of compatible land uses within a close geographic area that allows for easily accessible and convenient services for residents and workers. The intent is to promote developments that offer functional and physical integration of land uses, to create and enhance neighborhood sense of place, and to allow developers a greater degree of design and use flexibility.

The proposed project is comprised entirely of commercial uses, primarily high traffic generating retail (i.e. two big box retail and junior anchor retail spaces along with drive-through restaurants), along with a single dedicated office site. There are no residential or public uses proposed. The subject proposal is for a commercial project without any mixed use elements. There are no community supportive services such as locations for day cares, flex space, or small locations for doctors, dentists, or other typical community serving uses. There is also no integrated residential with or consideration for the planned project to the west. *Note: A Development Agreement modification was previously proposed to change the development plan on the adjacent property to the west from commercial to residential but was denied (i.e. [Tanner Creek](#)). The current entitlements for that property are approximately 400,000 square feet of professional office, hotel, and retail uses (for more information, see existing Development Agreement AZ-06-063 Inst. #[108131100](#)). Although a subsequent application for a residential development is planned to be submitted for that property, it has not yet been submitted as an updated Traffic Impact Study is under review by ACHD. In the pre-application meeting, Staff recommended to the Applicant that they wait and submit their application for this development at the same time as the adjacent development to the west so that the projects could be reviewed together for overall consistency with the requested map amendment but the Applicant decided to proceed forward on their own against Staff's recommendation.*

Staff finds the integration of land uses in the proposed concept is not consistent with many of the MU-R and existing MU-C policies. The proposed concept plan is more indicative of a commercial development and minimal effort have been made to address mixed use requirements. The following items are additional requirements of the general mixed use designation, the majority of which are not met with the proposed site plan:

In reviewing development applications, the following items will be considered in all Mixed Use areas, per the Comprehensive Plan (pg. 3-13): *(Staff's analysis in italics)*

- *“A mixed use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high density residential development alone.”*

~~This is a 33+/- acre site with only commercial and office uses proposed. This is not a “small” site and additional land use types should be included. Open space areas shown on the project site are disconnected, difficult to access, unsafe (i.e. located in or adjacent to vehicular use areas), and do not support the purpose or intent of a mixed use designation.~~

- ~~“Where appropriate, higher density and/or multi-family residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH 55, SH 16 or SH 69.”~~

~~The subject project proposes no residential uses. The requested future land use designation does not address the land to the west, which currently contains the same MU-C designation. If approved there would be adjacent properties with different FLUM designations, design standards, and lack of integration.~~

- ~~“Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezoning request, a development agreement will typically be required for developments with a Mixed-Use designation.”~~

~~No master plan was submitted and the property to the west is not considered or integrated into the subject application and concept plan. The property to the west, is walled off, adjacent to loading and mechanical areas of the large and mid-box sites, and is connected only by a drive aisle that inadequately addresses safety or connectivity for bikes and pedestrians between the two sites.~~

- ~~“In developments where multiple commercial and/or office buildings are proposed, the buildings should be arranged to create some form of common, usable area, such as a plaza or green space.”~~

~~No such arrangement is made for any of the commercial or office sites on the submitted site plan. There is no shared space for restaurants, business gatherings, or destination-oriented retail (creating third place and encouraging visitors and customers to spend time), and there is no clustering of office or commercial pad sites to make use of quiet and easily accessible open space. Open space and common area in the proposed site plan are disjointed and pedestrian connectivity is circuitous and indirect.~~

- ~~“The site plan should depict a transitional use and/or landscaped buffering between commercial and existing low- or medium-density residential development.”~~

~~No transition or transitional uses are provided. The smaller users are located along Meridian Road and the largest proposed users and pad sites with the greatest impacts are located adjacent to multi-family residential planned to the west. The site plan does not integrate other community-serving uses close to existing or proposed residential, such as doctors’ offices, flex spaces, a daycare, or smaller office pad sites that do not need as much visibility from the interstate, interchange or Meridian Road.~~

- ~~“Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments.”~~

~~The site plan does not contemplate any community-serving uses, or designate space for them to occur in the future.~~

- ~~“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; outdoor seating areas at restaurants do not count.”~~

~~The proposed site plan includes several areas of open space. However, these areas are in remnant locations or in the middle of a parking area with no integration and difficult/unsafe pedestrian access. No other public or quasi-public spaces are provided in alignment with the purpose and intent of the mixed-use designation.~~

- “Mixed use areas should be centered around spaces that are well-designed public and quasi-public centers of activity. Spaces should be activated and incorporate permanent design elements and amenities that foster a wide variety of interests ranging from leisure to play. These areas should be thoughtfully integrated into the development and further placemaking opportunities considered.”

See above. Uses are commercial islands separated by parking with no central feature or activity area.

- “All mixed-use projects should be directly accessible to neighborhoods within the section by both vehicles and pedestrians.”

The site plan depicts a vehicular link to the project to the west, however the properties appear to no longer be working together to make this a safe and integrated connection. (Staff did a concurrent pre-application meeting with representatives from both projects and was under the impression they would be submitting plans that were coordinated in accordance with City policy. They have talked and coordinated, but the projects have not been master planned together despite both seeking entitlements for development). The connection to the west is a commercial drive aisle, with no pedestrian accommodation, through the middle of a multi-family project that is not suitable for traffic, which will not benefit existing or proposed single-family to the west without creating an attractive nuisance.

- “Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types.”

The proposed site plan does include a drive aisle located behind the large retail anchor, that in combination with a landscape buffer provides “a” transition to future residential to the west. This however is not the point of the mixed-use transition standards. As shown in the mixed-use general and mixed-use regional comprehensive plan figures (3A and 3D, below), roads are generally used to transition with fronting uses. These roads are intended to both integrate and to transition, and not to simply create a visual or physical barrier which is the antithesis of the purpose and intent of the mixed-use designation.

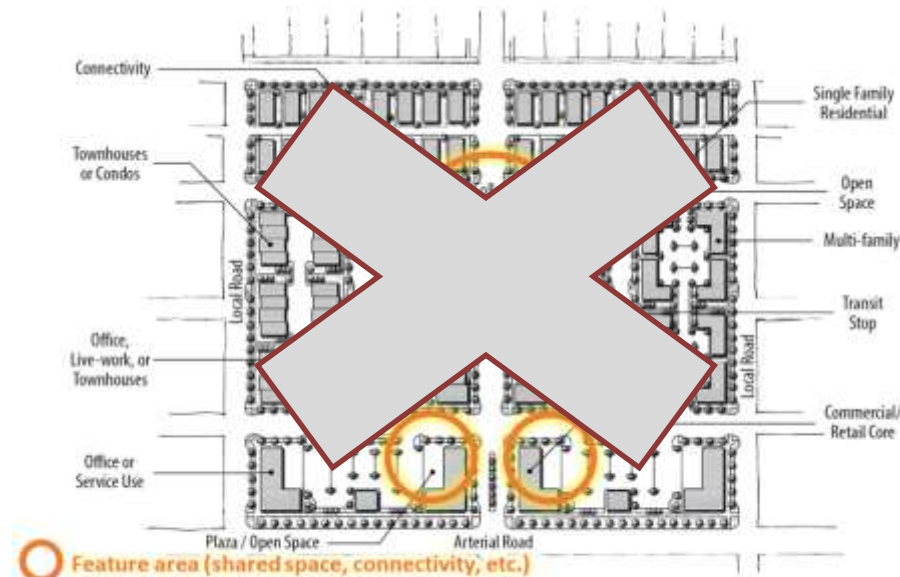


Figure 3A from City of Meridian Comprehensive Plan. Note the focus on roadway frontage that transitions and integrates uses, and the open space amenities both integrated and shared.

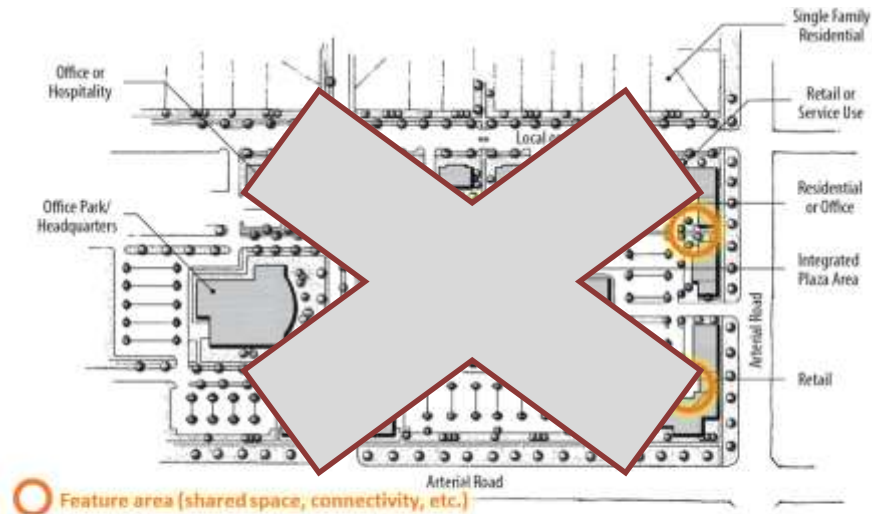


Figure 3D from City of Meridian Comprehensive Plan. Note the special focus on uses with roadway frontage, the unimpeded and direct pedestrian access without traversing frequent parking aisles, the opportunities for a variety of community serving uses (not just high visibility pad sites) and the shared amenity spaces and open space for both the large anchor and smaller pad sites and uses.

In reviewing development applications, the following items will be considered in MU-R areas, per the Comprehensive Plan (pgs. 3-16 thru 3-17):

- Development should generally comply with the general guidelines for development in all Mixed-Use areas.

The project does not comply with the provisions of the general mixed-use areas, either the purpose and intent, or with the most of the specific standards. The subject application requests Mixed Use Regional for a project entirely commercial and without any of the integration required in mixed-use areas. This site and the one to the west are not integrated simply because an access point is provided; secondary access to the west would be required by staff for any modern project in the City. These connections reduce congestion, provide alternatives and redundancy, and to improve quality of life. NOTE: Staff recognizes that the Ten Mile Creek separates these two projects. However, both projects are turning their back to the Creek and not proposing to embrace it as an amenity that ties the project together. While it may be cost prohibitive to have several crossings of the Creek, it is critical that both pedestrian and vehicular crossings exist.

- Residential uses should comprise a minimum of 10% of the development area at gross densities ranging from 6 to 40 units/acre. There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.

No residential is proposed on this site, nor is it entitled on the adjacent property to the west. Staff would not be supportive of residential given the commercial nature and focus (site design and connectivity) of the proposed site plan, now with the lack of integration, access, and safety. Residential planned to the west is not included in the request for a mixed-use regional future land use designation; that area would follow different guidelines (likely making it impossible to meet them), and neither of the proposed projects are integrated into a cohesive design.

- There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.

The site is predominately retail with a single office pad. No attempts are made to include or integrate

~~other non-commercial uses.~~

- ~~Retail commercial uses should comprise a maximum of 50% of the development area.~~

~~The proposed concept is almost entirely retail with no other community serving uses. At previous hearings for the application to the west (i.e. Tanner Creek), the applicant specifically told the City Council that community type services should occur on Waltman to the east; neither application is proposing community serving uses.~~

Where the development proposes public and quasi-public uses to support the development, the developer may be eligible for additional area for retail development (beyond the allowed 50%), based on the ratios below:

- ~~For land that is designated for a public use, such as a library or school, the developer is eligible for a 2:1 bonus. That is to say, if there is a one-acre library site planned and dedicated, the project would be eligible for two additional acres of retail development.~~
- ~~For active open space or passive recreation areas, such as a park, tot lot, or playfield, the developer is eligible for a 2:1 bonus. That is to say, if the park is 10 acres in area, the site would be eligible for 20 additional acres of retail development.~~
- ~~For plazas that are integrated into a retail project, the developer would be eligible for a 6:1 bonus. Such plazas should provide a focal point (such as a fountain, statue, and water feature), seating areas, and some weather protection. That would mean that by providing a half-acre plaza, the developer would be eligible for three additional acres of retail development.~~

~~—This guideline is not applicable as no such public/quasi-public uses are proposed.~~

Additional Analysis:

As outlined, the proposed project is a commercial development, not mixed use. There are no significant attempts to integrate any of the on-site uses or with any proposed adjacent uses.

Internal Circulation and Pedestrian Access: Some effort has been made to elevate the site plan to support pedestrian safety. Increased sidewalks throughout the parking areas have been provided, unlike commercial strip malls and power centers of decades past. These improvements however really only support and benefit users that arrive to the site via automobile.

The maze of parking spaces and drive aisle crossings is unsafe for users not arriving on the site via car. Pad sites have all been located on the outer edges of the site with pedestrian crossings occurring frequently throughout the interior parking areas. The uses likely most attractive to adjacent residents for repeat trips, are the pad sites along Meridian Road. These have no direct pedestrian access and require meandering through the larger parking area. The primary east-west drive aisle has a nice pedestrian spine, until it abruptly ends at no particular destination (the small retail Pad 2 site). These outer pad sites with drive throughs are not even connected to each other, and there is no perimeter circulation system around the outside of the site instead. Adding more sidewalks to a large parking area and creating token open space that is surrounded by parking with no direct access or unattractive areas (near dumpsters and loading areas) does not further mixed-use principles. Increased pedestrian access for auto users arriving to the site is positive, but that would be a standard requirement for any modern commercial project.

Besides circulation and access, the proposed uses are the primary concern. This especially when considering the planned residential development to the west, also features no community serving uses and has no integration with this site. A single drive aisle connection between the two is not integration, and is a baseline requirement for all projects in the City for access, circulation, and safety. Mixed-use areas are intended to serve neighboring communities. There are no smaller community serving uses proposed in either project. The project is laid out to attract regional automotive users and generate quick trips, without also providing

locations and uses for residents to benefit. These community services are intended and essential to reduce local trips.

Uses from the subject site require new residents to get into their cars for virtually all trips, and most of that would be funneled down Waltman and through an already problematic and congested intersection. There are no secondary areas for flex uses, arts, daycare, live/work, small office sites for therapists, doctors, dentist, attorneys, or other community services. The 4-story class A office space, is not likely to support most of these uses at an affordable price point given the scale, location, and interstate visibility. The smaller Retail 2 pad site (in the middle) may support some multi-tenant uses, but none of the listed examples are typically attracted to these types of locations given access, circulation, physical building design, and general location.

Site Design: To be considered a mixed-use project, an entire site redesign is very likely required. No small number of changes will resolve the underlying design issues. A large retail anchor could easily be integrated into a mixed-use project, but for this site in this location, it would likely need to be located along the interstate or Meridian Road. This is normal and typical both for sites such as this, and for major retailers, in other suburban areas of the Country. The location as designed prohibits any integration with the adjacent uses to the west, and disallows the potential for any lesser community serving commercial uses from occupying space along Waltman Lane. Waltman is the ideal location for community serving uses that do not need and cannot afford the visibility of the interstate and Meridian Road. The site needs to realize better clustering of non-residential uses to frame and benefit relocated open space, and there needs to be significantly re-thought connectivity that prioritizes pedestrians and bicyclists from the adjacent future and existing residential areas. Destination uses, both retail and community services for local residents should be efficient and safe.

The secondary mid-box (larger retail 2 along the interstate) may be difficult to integrate, and likely instead needs the square footage rededicated for better integration of community serving uses. While office space is also desired, there is a considerable amount of it being constructed elsewhere in the community and could also be rededicated. The large Retail 1 anchor could be easily provided with a central spine access from Waltman if it was relocated with the back facing the interstate. It would have greater visibility, be no less accessible, and allow much better integration for a variety of other uses. The planned residential to the west would also then not be literally walled off by the unattractive side of a large big box, and could make better use of views across the Ten Mile creek. None of the pad sites on Meridian Road need to be lost, though direct access for local bicycle and pedestrian trips should be improved.

Open space provided in the subject layout is wasteful and without significant benefit to future, potential users. Provision of open space is not a checkbox requirement that can be provided and just make a project comply with mixed-use standards. The purpose and intent of mixed-use designations is the context for all specific policy. The space behind the loading docks is unattractive and likely to be a nuisance and CPTED issue. The area surrounded by parking near office pads is a heat island, unsafe, and difficult to access, both for nearby employees and for residents. While the central open space could serve as something of an outdoor market, it does not meet the intent of the mixed-use principles and is poorly located (see above).

Finally, and as previously stated, the site lacks integrated design features for users to leisure and remain. There are no elements of destination regional, no places designed for business visits and outdoor meetings to happen, or for users to visitors to simply 'stay' and enjoy services with synergies. The site plan is standard highway commercial, designed to usher in as many vehicles as possible, and then to get them out as quickly out after.

TRANSPORTATION:

Access is proposed via three (3) driveways to/from Waltman Lane, a local street, at the project's north boundary. ACHD's Master Street Map (MSM) designates Waltman Ln. abutting this site as a collector street. Improvements are required to Waltman Ln., including reconstruction of the bridge over the Ten Mile Creek.

west of this site with the Tanner Creek project. Improvements to the section of Waltman that abuts this site will be determined by ACHD with a future development application since this only an annexation request.

The extension of Corporate Drive to the northwest of this site, 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 of the Tanner Creek project prior to issuance of building permits.

If the Tanner Creek project doesn't go forward and complete the improvement to Waltman Ln. and Corporate Dr. as planned, Staff recommends these improvements are completed by this developer through a Cooperative Development Agreement (CDA) with ACHD, as follows:

- Extend Corporate Dr. off-site from its current terminus north of Ten Mile Creek to Waltman Ln. and construct a new bridge over the Ten Mile Creek, within existing ROW. 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 should occur with the first phase of development and should be complete prior to issuance of any Certificate of Occupancy for the site..
- 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. if determined necessary by ACHD. 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 and shall occur with the first phase of development and be complete prior to issuance of any Certificate of Occupancy for the site.

The proposed commercial development is estimated to generate 10,891 vehicle trips per day (VTD) (950 vehicle trips per hour in the PM peak hour). Based on the findings of the Traffic Impact Study (TIS) for the proposed project, which included the Tanner Creek project, the Meridian Rd./Waltman Ln. intersection would exceed ACHD's Acceptable Level of Service thresholds. With previous development applications for the Tanner Creek property, 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 this 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 (3/4 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 large retail (Retail 1) store at this time and delays the Retail 2 building and Pads 3 and 4 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.

TRANSPORTATION FOCUS – EXISTING TRANSPORTATION NETWORK CONCERNS

Staff and ACHD have concerns with the ability of the existing transportation network to support the proposed development. It should be noted that a [Traffic Impact Study](#) (TIS) was not prepared or submitted for the subject project; a [memo](#) with additional information was also submitted. There are already signal timing issues at the Waltman and Meridian intersection and this development will add to the wait times and congestion.

- Northbound Left Turn from Meridian Road: There is inadequate storage for northbound left turns into the project site, onto Waltman. A dual left-turn is likely needed in this location, even with community uses occurring here, let alone regional serving uses. Further, a single left-turn lane requires longer green light time to provide the needed access for major big box retailer, mid box, and several drive throughs, ironically each rivaling the stacking capacity of this turn lane.
- Southbound Right Turn from Waltman Lane onto Meridian Road: There is inadequate southbound right turn lane capacity for all return trips originating from either the interstate or south side of the interstate. While not a direct correlation to signal timing and capacity, each retail pad site can accommodate more cars than this lane without blocking the proposed full turn access on Waltman, nearest to Meridian Road. There are multiple proposed high traffic generating pad sites, never mind the large retail anchor and variety of other pad sites.

The existing Meridian/Waltman intersection is made of concrete and rebar, and exceptionally complex in design. Reconfiguring the intersection to add additional travel lanes would not only eat into the proposed concept plan, which is not shown (but may support some transportation expansion), but would also need to contend with improvements that will affect intersection alignment, grading, and drainage. The southbound turn lane north of McDonalds for example, already has an exceptionally wide, partially obscured, and very awkward turning arc. Additional northbound left turn lanes onto Waltman from this light will compound existing deficiencies. Islands and signals may also need to be reset, but this project should not seek to benefit at the expense of the community identity without making equivalent or better improvements to wayfinding and community identity. This all remains unknown, and is without commitments. The very large intersection is softened substantially by the existing landscaping, and that should continue with development of this site. Anything can be engineered, but understanding the impacts of the entire area developed and operating at the worst part of the day, where traffic flow is already compromised through several intersection lights, is essential. The Meridian/Waltman intersection was not designed to accommodate the proposed impacts, in the existing conditions and with the single point urban interchange (SPUI). Timing will be further complicated by the proximity of the existing lights at Meridian and the SPUI, of existing conditions where vehicles already stack through these adjacent signals and block other directions of travel, and which is further complicated by the proximity of the Overland intersection which imposes significant restrictions on traffic operations through this area.

Other Transportation Concerns: No frontage roads are provided to integrate the parcels in this area. All traffic, local and regional, is focused onto Waltman. A robust local network should integrate with a planned north-south Corporate Drive extension and not require east-west travel on Waltman exclusively. The east-west drive aisle proposed with this project, crossing through the middle of a planned private multi-family development, is not designed to safely accommodate higher volume through traffic. Further, if this connection exists, the planned multi-family project on the west should not have back out parking, should have wide detached sidewalk to accommodate bicyclists and pedestrians, and the buildings should include greater buffers from the roadway.

Speculative Entitlement: Staff believes that amending the Future Land Use Map as proposed, given the existing status of speculative development is unwise. It is not clear if one or both of the projects tentatively proposed for the “Waltman area” can reasonably afford or engineer improvements that adequately compensate for their impacts. Projects for the entire adopted Mixed Use Community area need to have completed traffic impact studies, have been fully reviewed, and have considered improvements that adequately address the aggregated impacts of projects for the larger area. This is not possible when neither project has a solid and cohesive master plan, when both may still change dramatically, and when they are being reviewed and considered independently. The subject site is exceptionally unique in the Treasure Valley, not just for opportunity, but also impacts.

It is essential that analysis by both the Idaho Transportation Department and the Ada County Highway District be fully and thoroughly reviewed, and that Commission and City Council be able to consider the full array of both land use and transportation impacts before making a decision. ~~Considering approvals in silos, either iteratively through subsequent requests by different projects, or by multiple agencies in different stages of review, may cause irreparable harm to the City’s flagship and namesake interchange and entryway into the City. There should be lingering or unanswered questions, and nothing left to chance or change later given the importance of this area.~~

Master Street Map (MSM): The MSM depicts W. Waltman Ln. and W. Corporate Dr. to the north, which is planned to be extended across the Ten Mile Creek to Waltman, as commercial collector streets but does not depict any collector streets across this property.

Note: ACHD has submitted [comments](#) based on their preliminary review of the TIS, which may be considered with the future development application (see Section IX.I for more information).

VI. STAFF ANALYSIS

A. COMPREHENSIVE PLAN MAP AMENDMENT (CPAM)

Based on the analysis above in Section V, Staff finds the proposed development plan is generally consistent with the requested FLUM designation of Commercial for this site and the requested designation of MHDR for the adjacent property to the west (Tanner Creek) and is compatible with adjacent existing and future land uses. Further, the proposed FLUM designations provide for a better transition in uses from existing and future residential uses to the west and northwest and are compatible with adjacent FLUM designations in this area. **Note: If the proposed amendment to the FLUM is not approved, Staff finds the proposed development is not consistent with the existing MU-C FLUM designation for the reasons noted above.** See above analysis in Section V for more information.

B. ANNEXATION (AZ)

The Applicant proposes to annex 18.30-acres of land with a C-G (General Retail and Service Commercial) zoning district consistent with the proposed FLUM amendment to ~~MU-R Commercial~~. The subject property is part of an enclave area surrounded by City annexed property. A legal description and exhibit map for the annexation area is included in Section VIII.B.

~~The proposed C-G zoning district is consistent with both the existing FLUM designation of MU-C and the proposed FLUM designation of MU-R.~~

A revised conceptual development plan was submitted as shown in Section VIII.C that depicts how the property proposed to be annexed, as well as the area currently zoned C-G, is planned to develop with two (2) big box retail stores ~~and a junior anchor retail space~~ [Retail 1 (130,000-150,000 153,300 square feet (s.f.)) & Retail 2 (80,000-80,500+/- s.f.), Retail 3/Lot 2 (20,000-30,000 s.f.)], ~~3 out-~~ 4 pads, ~~including 2 with drive-through's,~~ and a 4-story 80,000 square foot office building 5 shops. The area shown on the concept plan on the bottom (south) portion of the development area (delineated by a red line) is the portion of the site currently in Ada County proposed to be annexed; the area on the top (north) portion of the development area is the portion of the site currently in the City. The portion of the site currently in the City is entitled to develop subject to UDC [Table 11-2B-2](#) Allowed Uses in the Commercial Districts, regardless of whether or not the proposed annexation is approved, as there is not a Development Agreement in effect for that property.

As proposed by the Developer in the updated application narrative, a minimum of 10% of the total building square footage for the site will be reserved for non-retail commercial uses that may include such uses as office, clean industry, entertainment, hospitality/hotel, fitness and/ or recreation, personal services, non drive-through restaurants, health care, daycare, finance and/or banking, and educational and/or training uses.

The conceptual development plan depicts a future VRT bus stop at the northeast corner of the site along Meridian Rd., an arterial street. For safety reasons and for better accessibility from the proposed residential development to the west, Staff recommends it's relocated off the arterial street to the plaza area at Shop 1 or another location acceptable to VRT.

A vehicular connection/stub is not depicted on the revised concept plan to the property to the west for future extension across the Ten Mile creek and interconnectivity, only a pedestrian pathway is proposed. Staff recommends a driveway is provided (alongside the proposed pathway) in accord with UDC 11-3A-3A.2, which supports limiting access points to collector streets and requires a cross-access/ingress-egress easement to be granted to adjoining properties where access to a local street is not available, unless otherwise waived by City Council. The Applicant has submitted an emergency access easement agreement with the property owner to the west for secondary emergency access to Ruddy Dr. and Waltman Ln. At no time should construction traffic associated with the development of this site be allowed to access this site using Ruddy Dr. through The Landing and Tanner Creek Subdivisions.

A 10-foot wide pedestrian pathway exists along Meridian Rd. adjacent to the site. In accord with the Pathways Master Plan, a detached 10-foot wide multi-use pathway should be provided within the street buffer along Waltman Ln.; and a 10-foot wide multi-use pathway shall be provided east/west through the site with connections to the pathways along Waltman Ln. and Meridian Rd. and internal pedestrian walkways. The Applicant should coordinate the location of the pathway through the site with the Park's Department. A 14-foot wide public pedestrian easement is required for the multi-use pathways; a recorded copy of such should be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development. Internal pedestrian walkways should be a minimum of 5-feet wide and should be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. To ensure the site develops as proposed with this application, staff recommends the provisions discussed above are included in a DA for the subject property. The entire property depicted on the conceptual development plan in Section VIII.C shall be governed by the DA as agreed upon by the Applicant. A legal description for the boundary of the property

subject to the DA is included in Section VIII.G. Future development of the property should be generally consistent with the conceptual development plan in Section VIII.C. The Applicant requests flexibility in the general configuration and size of the building footprints and orientation, plaza areas and parking on the site with an allowance for up to 20% change in square footages of buildings.

~~As noted above in Section V, mixed use designated areas should include at least three (3) types of land uses. The proposed conceptual development plan for the annexation area (and larger area) only includes two (2) land use types—commercial retail and office. Although residential land uses are *planned* to develop on the adjacent property to the west, the property is currently entitled to develop solely with commercial uses; the previous residential development proposed for that property was denied (i.e. Tanner Creek). Reasons for denial included Council’s determination that the sole residential use of the property was not consistent with the MU-C designation because a mix of uses wasn’t proposed and they didn’t want to burden this property with providing only the non-residential component of the mix of uses desired for this area. Hence, Staff’s recommendation for this property and the adjacent property to the west to come in for review concurrently in order to ensure the overall development is consistent with the development guidelines in the Comprehensive Plan for the mixed use designation.~~

~~In accord with Staff’s analysis above, the proposed development is *not* consistent with the general mixed-use development guidelines, the existing MU-C or the proposed MU-R guidelines. Therefore, Staff is *not* in support of the requested annexation with the conceptual development plan proposed due to its inconsistency with the Comprehensive Plan.~~

~~As recommended in the pre-application meetings for this property and the adjacent property to the west, Staff recommends development applications are submitted concurrently for these properties with a master plan for the overall area that demonstrates consistency with the guidelines in the Comprehensive Plan for mixed use developments and specifically the MU-C designation or an alternate designation if proposed. Alternatively, if submitted separately, the development plan for each property should demonstrate consistency with the Plan on its own merits. The TIS should also be updated to take into consideration the development impacts of both properties and the necessary road and intersection improvements needed in this area in order for the street network to function sufficiently with the intensity of development proposed.~~

VII. DECISION

A. Staff:

Staff recommends ~~denial~~ approval of the proposed amendment to the Future Land Use Map (FLUM) and the proposed annexation per the updated analysis above in Sections V and VI and the Findings in Section X. If City Council does *not* approve the requested amendment to the FLUM, Staff recommends denial of the annexation request based on incompatibility of the proposed development with the existing MU-C FLUM designation.

B. The Meridian Planning & Zoning Commission heard these items on April 28, 2022. At the public hearing, the Commission moved to recommend denial of the subject CPAM and AZ requests.

1. Summary of Commission public hearing:

- a. In favor: Ethan Mansfield, Hawkins Companies; Matt Schultz, Representative for Tanner Creek (to the west)
- b. In opposition: Kelsi Lorcher, Joe Lorcher
- c. Commenting: Clair Manning, Nona Haddock
- d. Written testimony: None
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: Bill Parsons

2. Key issue(s) of public testimony:

- a. Public testimony in agreement with Staff's recommendation of denial due to not having a Master Plan with the Tanner Creek development to the west;
 - b. Concern pertaining to impacts on traffic in the area from the proposed development;
 - c. Testimony from the Tanner Creek developer's representative that they're in favor of the proposed development and intend to re-submit a residential development plan for the property to the west once ACHD has accepted their Traffic Impact Study (TIS).
 - 3. Key issue(s) of discussion by Commission:
 - a. Concern pertaining to the impact on traffic in this area if the proposed development plan is approved;
 - b. Desire to have the TIS reviewed & accepted by ACHD for the overall development area in order to know the impacts and transportation improvement requirements for the development;
 - c. Consistency of the proposed development plan with the Comprehensive Plan.
 - 4. Commission change(s) to Staff recommendation:
 - a. None (Commission recommended denial based on their belief the requested use is not consistent with the general mixed use development guidelines, the existing MU-C guidelines or the proposed MU-R guidelines; also need a Traffic Impact Study.)
 - 5. Outstanding issue(s) for City Council:
 - a. None
- C. The Meridian City Council heard these items on June 14, 2022. At the public hearing, the Council moved to remand the subject CPAM and AZ requests back to the Commission.
- 1. Summary of the City Council public hearing:
 - a. In favor: Ethan Mansfield, Hawkins Companies; Matt Schultz, Representative for the Tanner Creek development to the west.
 - b. In opposition: Joe Lorcher, Kelsi Lorcher, Clair Manning; William Kissinger; Joey Lorcher
 - c. Commenting: Mike Swenson; Kristy Inselman, ACHD
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - a. Concern pertaining to traffic impact on the Meridian/Waltman intersection from the proposed development;
 - b. Against the intensity of uses proposed with the MU-R FLUM designation and resulting traffic in this area and at the Meridian/Waltman intersection;
 - c. Desire for a true mixed use project to be developed on this site as opposed to an entirely commercial development.
 - 3. Key issue(s) of discussion by City Council:
 - a. Preference for this property and the abutting property to the west to come in together or concurrently with a master plan for the overall area that demonstrates consistency with the existing or proposed FLUM designation;
 - b. Desire for the transportation issues to be addressed before a development plan is approved;
 - c. Desire for changes to be made to the concept plan to be more consistent with the general mixed use guidelines and specifically the requested MU-R designation.
 - 4. City Council change(s) to Commission recommendation:
 - a. Council voted to remand this application back to the Commission for review of anticipated changes to the concept plan to be more consistent with the general mixed use guidelines and specifically the requested MU-R guidelines; and so that a master plan can be reviewed for this property and the Tanner Creek property concurrently.

D. 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 CPAM and AZ requests.

1. Summary of Commission public hearing:
 - a. In favor: Ethan Mansfield, Hawkins Companies; Leah Kelsey, Six Mile Engineering
 - b. In opposition: Kelsi Lorcher, Joe Lorcher, Joey Lorcher
 - c. Commenting: Clair Manning
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. Against project due to the impact on traffic in this area from this development and the extension of Ruddy Dr.
 - b. Concerned pertaining to the safety of area residents with the traffic that will be generated from this development and the residential development to the west when Ruddy is extended to Waltman Ln.
3. Key issue(s) of discussion by Commission:
 - a. The Applicant's request to *not* be required to provide a vehicular connection to the west across the Ten Mile Creek to the adjacent residential development.
 - b. The Applicant's request to *not* construct a driveway access to the out-parcel at the northwest corner of this site at this time.
4. Commission change(s) to Staff recommendation:
 - a. At Staff's request, modify DA provision #A.1(i) to require the extension of Corporate Dr. to be constructed *as required* by ACHD.
 - b. The Commission is in support of Council granting a waiver to UDC 11-3A-3, which requires vehicular connectivity between the two projects via a cross-access easement, to not require a connection (DA provision #IX.A1c).
 - c. Modify the requirement for a cross-access easement and driveway to be provided to the outparcel (Parcel #S1213417320) to only require an easement at this time. The easement should grant consent to the owner/developer of the out-parcel to construct the driveway on the subject property in the future at the time of development. (DA provision #A.1d).
5. Outstanding issue(s) for City Council:
 - a. None

E. The Meridian City Council heard these items on November 21, 2023. At the public hearing, the Council moved to approve the subject CPAM and AZ requests.

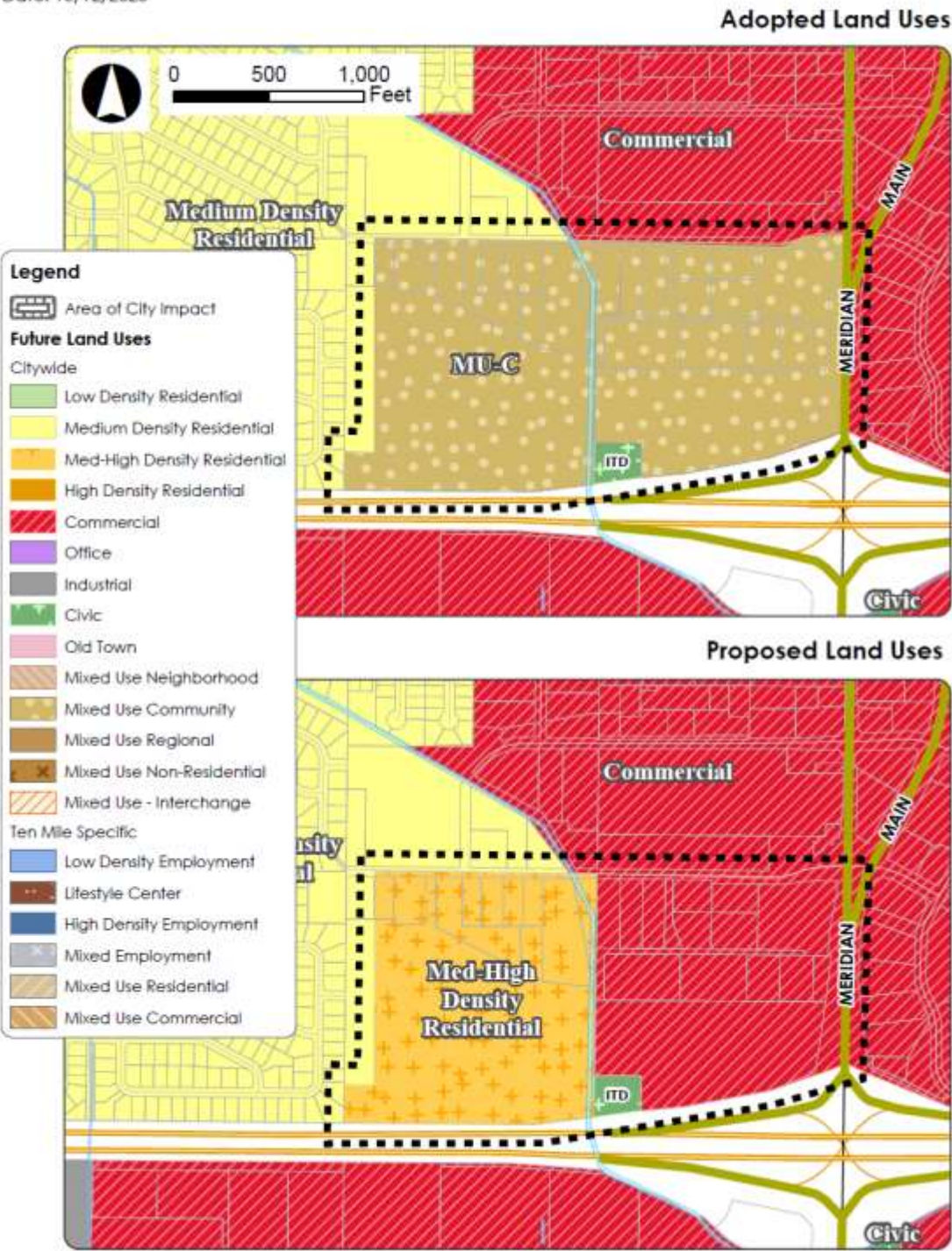
1. Summary of the City Council public hearing:
 - a. In favor: Ethan Mansfield, Hawkins Companies; Leah Kelsey, Six Mile Engineering
 - b. In opposition: Steve McCarthy; Clair Manning, Kelsey Lorcher; Kurt Lee; William Kissinger; Ken Freeze
 - c. Commenting: Justin Lucas, ACHD
 - d. Written testimony: Ethan Mansfield, Hawkins Companies; 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 traffic impact from this development and no access to I-84 with the Linder Road overpass;
 - b. Inconsistency of the proposed development plan with the vision of the Destination: Downtown plan and Comprehensive Plan;
 - 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. Consider limiting density permanently or until there's a resolution in the future to the traffic issues in this area.
 - f. 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 request for a waiver to UDC 11-3A-3 to *not* require a vehicular connection and cross-access/ingress-egress easement to the residential property (i.e. Tanner Creek) to the west (strike DA provision #A.1c).

VIII. EXHIBITS

A. Future Land Use Map – Adopted & Proposed Land Uses (Amended)

Date: 10/12/2023



B. Annexation Legal Description and Exhibit Map



February 4, 2022
Project No.: 20-176
I-84/Meridian Road

Exhibit A Legal Description for Annexation and Rezone to C-G

A parcel of land being a portion of the Northeast 1/4 of the Southeast 1/4 of Section 13, Township 3 North, Range 1 West, B.M., Ada County, Idaho being more particularly described as follows:

Commencing at a brass cap marking the East 1/4 corner of said Section 13, which bears S89°26'10"E a distance of 2,642.64 feet from a 5/8-inch rebar marking the Center 1/4 corner of said Section 13, thence following the easterly line of the Southeast 1/4 of said Section 13, S01°01'43"W a distance of 420.62 feet to the **POINT OF BEGINNING**.

Thence following said easterly line, S01°01'43"W a distance of 614.71 feet to the boundary of the City of Meridian per ordinance number 341, also known as South Gate Annexation, dated May 7, 1979;

1. Thence leaving said easterly line and following said boundary the following five (5) courses:
N88°58'17"W a distance of 96.37 feet;
2. S71°02'14"W a distance of 373.86 feet;
3. S74°40'17"W a distance of 471.15 feet;
4. S83°28'13"W a distance of 332.84 feet;
5. N89°34'12"W a distance of 85.20 feet to the westerly line of said Northeast 1/4 of the Southeast 1/4;

Thence leaving said boundary and following said westerly line, N00°43'22"E a distance of 664.99 feet to a 5/8-inch rebar;

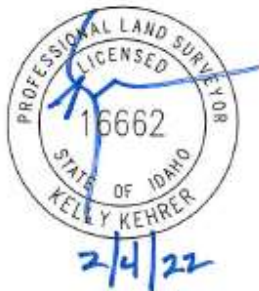
Thence leaving said westerly line, S89°32'05"E a distance of 968.55 feet to a 5/8-inch rebar;

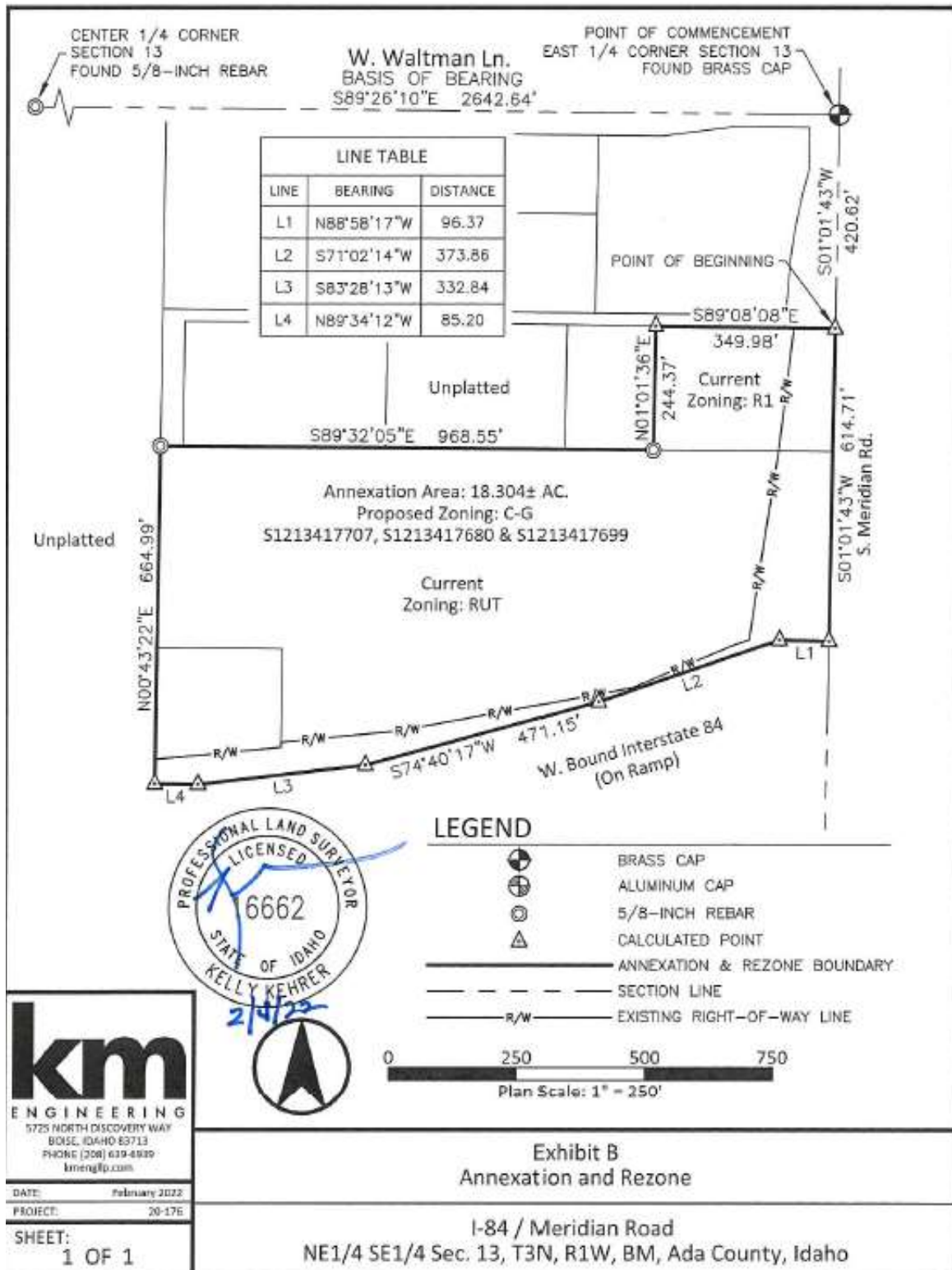
Thence N01°01'36"E a distance of 244.37 feet;

Thence S89°08'08"E a distance of 349.98 feet to the **POINT OF BEGINNING**.

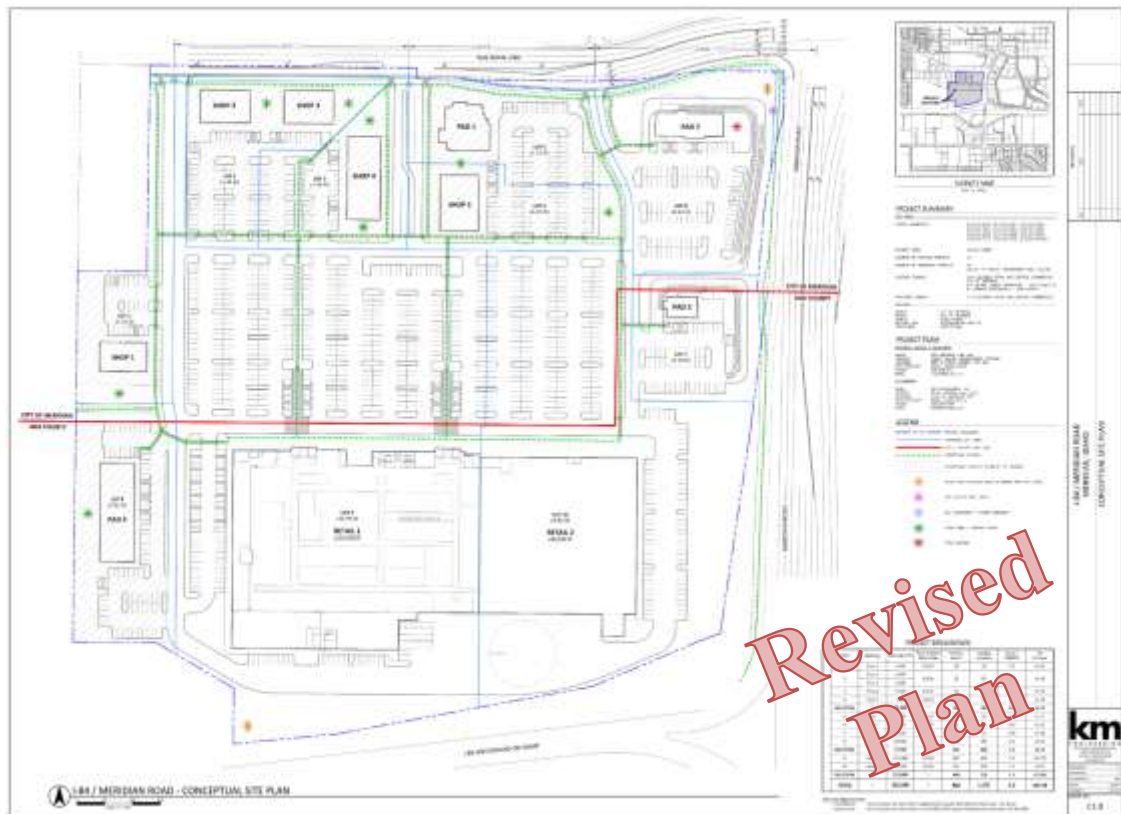
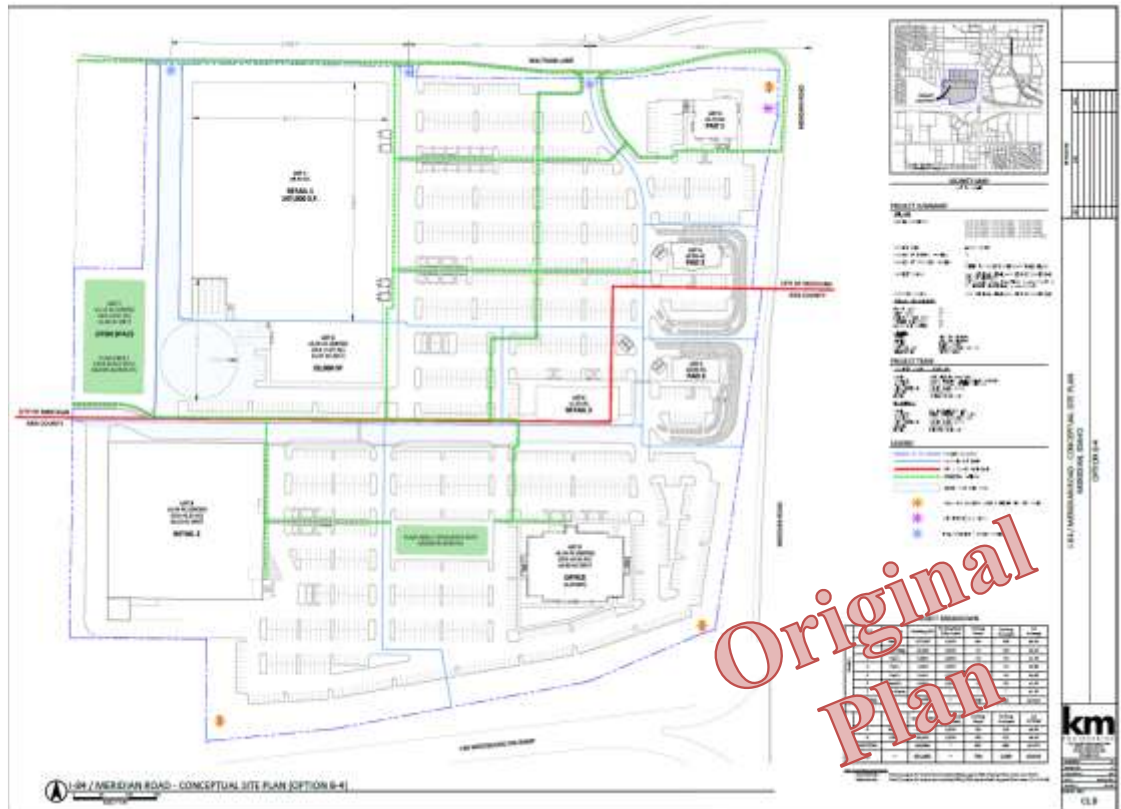
Said parcel contains a total of 18.304 acres, more or less.

Attached hereto is Exhibit B and by this reference is made a part hereof.





C. Conceptual Development Plan (REVISED) & Renderings



I-84 MERIDIAN DEVELOPMENT

CONCEPTUAL, SUBJECT TO CHANGE









D. Tanner Creek and I-84 & Meridian Road Conceptual Development Plan



E. Vehicular Connectivity Plan



F. Pedestrian Circulation Plan



G. Legal Description & Exhibit Map for Property Subject to the Development Agreement – *forthcoming, to be included in Development Agreement*

IX. CITY/AGENCY COMMENTS

A. PLANNING DIVISION

The Planning Division has no conditions on this application because the recommendation is for denial. If the Commission and/or City Council deems the application appropriate for approval, the project should be continued to a subsequent hearing in order for Staff to prepare conditions and Findings for approval.

1. A Development Agreement (DA) shall be required as a provision of annexation of the subject property. The 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 Annexation request. The new DA shall include the following provisions:
 - a. Future development of this site shall be generally consistent with the conceptual development plan, renderings, pedestrian circulation plan and vehicular connectivity plan, included in Section VIII and the provisions contained herein. Flexibility in the general configuration and size of the building footprints and orientation, plaza areas and parking on the site shall be allowed with an allowance for up to 20% change in square footages of buildings.
 - b. As proposed by the Developer, a minimum of 10% of the total building square footage for the site shall be reserved for non-retail commercial uses that may include such uses as office, clean industry, entertainment, hospitality/hotel, fitness and/ or recreation, personal services, non drive-through restaurants, health care, daycare, finance and/or banking, and educational and/or training uses.
 - c. ~~A vehicular connection/driveway shall be provided to the west boundary (alongside the pedestrian pathway) of the site for interconnectivity in accord with UDC 11-3A-3A.2, unless otherwise waived by City Council. A cross-access/ingress-egress easement shall be granted to the adjacent property to the west and a recorded copy of the easement submitted to the Planning Division with the first Certificate of Zoning Compliance application for the site.~~
 - d. A vehicular driveway and cross-access/ingress-egress easement shall be provided to the out-parcel (Parcel #S1213417320) at the northwest corner of the site and a recorded copy of the easement submitted to the Planning Division with the first Certificate of Zoning Compliance application for the site. The easement shall grant consent to the owner/developer of the out-parcel to construct the driveway on the subject property at the time of development.
 - e. A detached 10-foot wide multi-use pathway shall be provided within the street buffer along Waltman Ln.; and a 10-foot wide multi-use pathway shall be provided east/west through the site in accord with the Pathways Master Plan with connections to the pathways along Waltman Ln. and Meridian Rd. and internal pedestrian walkways. Coordinate the location of the pathway through the site with the Park's Department. A 14-foot wide public pedestrian easement shall be required for the multi-use pathways if located outside the public right-of-way; a recorded copy of such shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.
 - f. Internal pedestrian walkways shall be a minimum of 5-feet wide and shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19.
 - g. A bus stop should be provided in the plaza area near Shop 1 or an alternate location acceptable to Valley Regional Transit (VRT).
 - h. 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 and Tanner Creek Subdivisions.

- i. If the improvements to Waltman Ln. and Corporate Dr. aren't completed by the developer of the project (Tanner Creek) to the west as planned, these improvements shall be completed by this developer through a Cooperative Development Agreement (CDA) with ACHD, as follows:
- Extend Corporate Dr. off-site from its current terminus north of Ten Mile Creek to Waltman Ln. and construct a new bridge over the Ten Mile Creek, within existing ROW. 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. The roadway south of the bridge to Waltman Lane shall be constructed as a complete street section with detached 10-foot wide multi-use pathways along both sides of the street as required by ACHD. These improvements shall occur with the first phase of development and shall be complete prior to issuance of any Certificate of Occupancy for the site.
 - 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 shall be constructed south of the existing edge of pavement for Waltman Ln., shifting the centerline 8-feet south to the south. The north side of Waltman shall be constructed 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 shall be constructed on Waltman Ln. if determined necessary by ACHD. The improvements to Waltman Ln. shall include 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 shall be completed as required by ACHD and shall occur with the first phase of development and be complete prior to issuance of any Certificate of Occupancy for the site.

B. PUBLIC WORKS

Site Specific Comments

1. No Public Works infrastructure was provided as part of this submittal, any changes must be approved by Public Works.
2. Water main must connect to the existing main in Waltman Lane at two locations.
3. Provide a water main connection to the west.
4. Ensure no permanent structures are built within a utility easement including but not limited to tree, shrubs, buildings, carports, trash enclosures, infiltration trenches, light poles, etc.).
5. Ensure no sewer services pass through infiltration trenches.

General Comments

6. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
7. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.

8. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
9. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
10. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
11. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
12. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
13. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
14. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
15. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
16. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
17. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
18. Developer shall coordinate mailbox locations with the Meridian Post Office.
19. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
20. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
21. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance

with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

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

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=257681&dbid=0&repo=MeridianCity>

D. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=258727&dbid=0&repo=MeridianCity>

E. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=310268&dbid=0&repo=MeridianCity>

F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=258617&dbid=0&repo=MeridianCity>

G. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=257906&dbid=0&repo=MeridianCity>

H. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259278&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=267371&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=259453&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=309476&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Comprehensive Plan Map Amendment

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 amendment to the Comprehensive Plan, the Council shall make the following findings:

1. **The proposed amendment is consistent with the other elements of the Comprehensive Plan.**

The City Council finds the proposed amendment from MU-C to ~~Mixed Use—Regional (MU-R)~~ Commercial and MHDR and conceptual development plan is ~~not~~ generally consistent with ~~the intent of the MU-R designation in the Comprehensive Plan in that it's predominantly a single-use development (retail) and does not include any residential uses as desired, including the provision of a transition in uses and compatible uses,~~ as noted in Section V.

2. **The proposed amendment provides an improved guide to future growth and development of the city.**

The City Council finds that the proposal to change the FLUM designation from Mixed Use – Community (MU-C) to ~~Mixed Use—Regional (MU-R)~~ Commercial and MHDR ~~does not~~ provides an improved guide to future growth and development of the City as the proposed development plan ~~does not include the appropriate mix of uses as desired in the MU-R designation~~ is consistent with the proposed development plan and existing and future uses in the area, as discussed in Section V above.

3. **The proposed amendment is internally consistent with the Goals, Objectives and Policies of the Comprehensive Plan.**

The City Council finds that the proposed amendment is ~~not~~ consistent with the Goals, Objectives, and Policies of the Comprehensive Plan for the proposed ~~MU-R~~ Commercial and MHDR designations as noted above in Section V.

4. **The proposed amendment is consistent with the Unified Development Code.**

The City Council finds that the proposed amendment is consistent with the Unified Development Code.

5. **The amendment will be compatible with existing and planned surrounding land uses.**

The City Council finds the proposed amendment and conceptual development plan will ~~not~~ be compatible with existing and planned surrounding land uses ~~for the reasons~~ as noted in Section V above.

6. **The proposed amendment will not burden existing and planned service capabilities.**

The City Council finds that the proposed amendment and development will likely burden transportation capabilities in this portion of the city even without significant improvements to Waltman, and the extension of Corporate, ~~and the Meridian/Waltman intersection~~. Sewer and water services are available to be extended to this site.

7. **The proposed map amendment (as applicable) provides a logical juxtaposition of uses that allows sufficient area to mitigate any anticipated impact associated with the development of the area.**

The City Council finds the proposed map amendment provides a logical juxtaposition of uses ~~but doesn't meet many of the mixed-use guidelines for development~~ as discussed in Section V above; there should be sufficient area to mitigate any development impacts to adjacent properties.

8. **The proposed amendment is in the best interest of the City of Meridian.**

For the reasons stated in Section V and the subject findings above, the City Council finds that the proposed amendment is ~~not~~ in the best interest of the City.

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

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

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

The City Council finds the proposed map amendment to the C-G zoning district and plan to develop ~~solely~~ commercial retail and ~~office~~ neighborhood serving uses on the property per the proposed conceptual development plan ~~does not~~ demonstrates consistency with the ~~general mixed use or the MU-R guidelines in the Plan~~ Commercial FLUM as noted above in Section V. (See section V above for more information.)

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

The City Council finds the proposed map amendment to C-G and conceptual development plan generally complies with the purpose statement of the C-G district in that it will provide for the retail and service needs of the community.

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

The City Council finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed commercial uses should be conducted entirely within a structure.

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

The City Council finds City services are available to be provided to this development. No residential development is proposed; therefore, enrollment at area schools shouldn't be affected.

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

The City Council finds the proposed annexation with the conceptual development plan proposed is ~~not~~ in the best interest of the City per the analysis in Sections V and VI above.