

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



In the Matter of the Request for Modification to the Existing Development Agreement Associated with H-2021-0081 Vanguard Village, Recorded as Inst. #2022-049799, by Adler Industrial.

Case No(s). H-2023-0072

For the City Council Hearing Date of: July 9, 2024 (Findings on July 23, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of July 9, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 9, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 9, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 9, 2024, 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 July 9, 2024, incorporated by reference. The conditions are concluded to be

reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for a modification to the development agreement is hereby approved as requested per the provisions in the Staff Report for the hearing date of July 9, 2024, 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 July 9, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT LUKE CAVENER VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED _____

COUNCIL MEMBER BRIAN WHITLOCK VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert E. Simison

Attest:

Chris Johnson
City Clerk

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

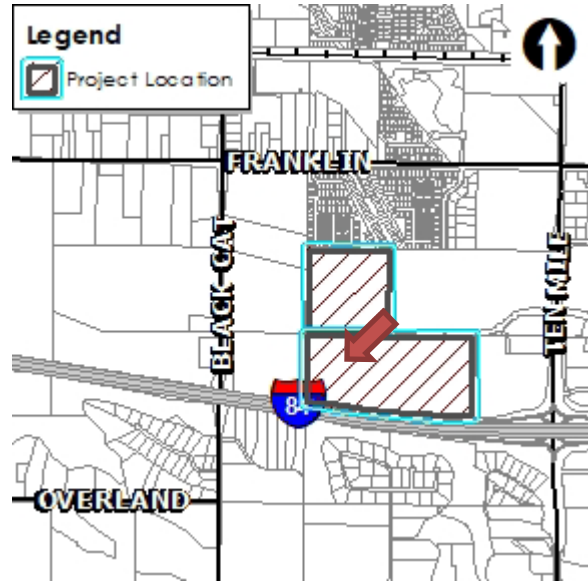
By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: July 9, 2024
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: [H-2023-0072](#)
 Vanguard Village – MDA
 LOCATION: Generally located 1/4 mile south of W. Franklin Rd. and west of S. Ten Mile Rd., in the center of Section 15, T.3N. R.1W.



I. PROJECT DESCRIPTION

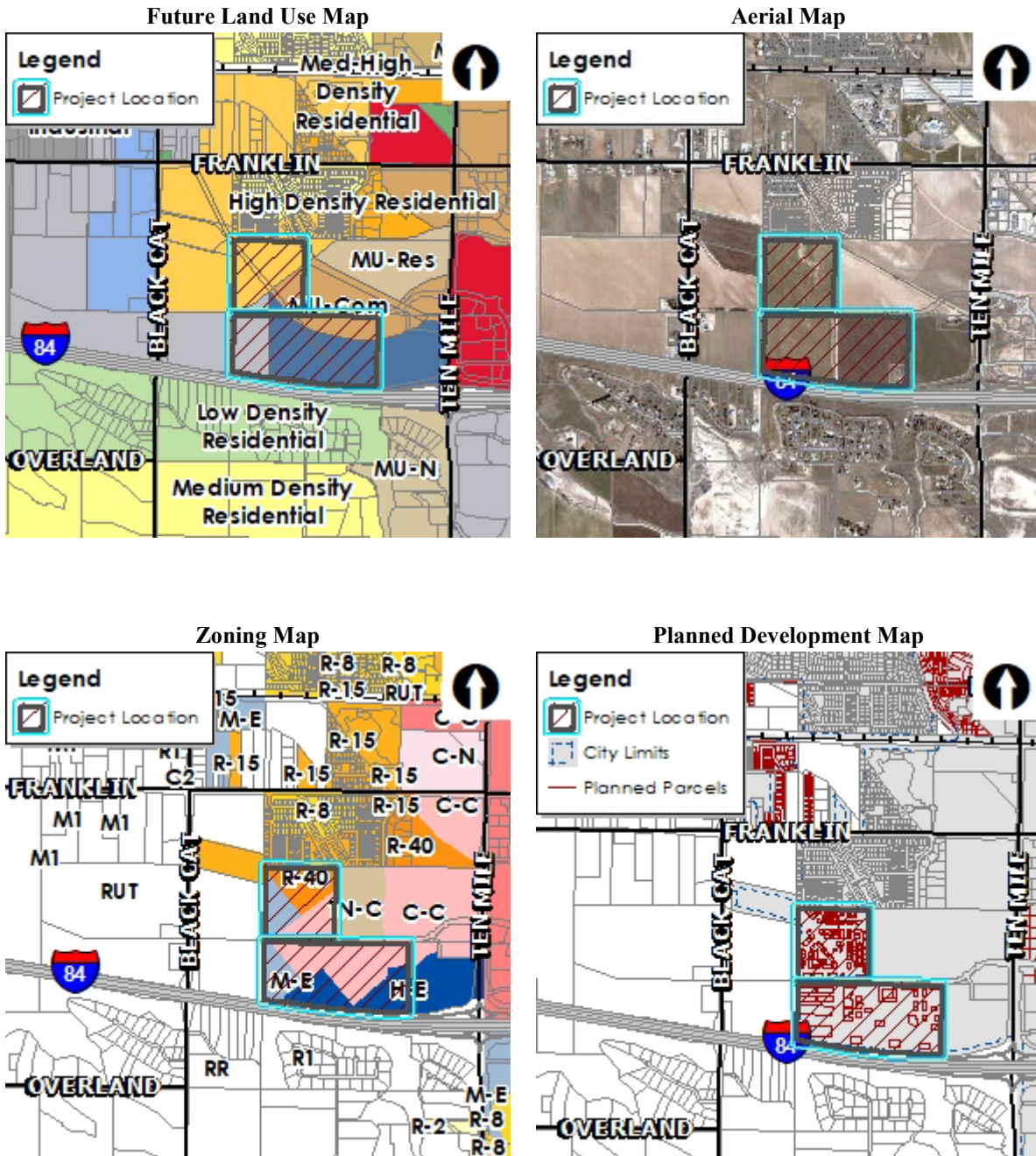
The Applicant has submitted an application for a modification to the existing Development Agreement associated with H-2021-0081, recorded as Inst. #[2022-049799](#). See Section V below for more information.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	115.26 acres overall	
Existing Zoning	R-15, M-E, C-C and H-E	
Future Land Use Designation	Mixed Use – Commercial (MU-COM); Medium High-Density Residential (MHDR); Mixed Employment (ME); High Density Employment (HDE)	
Existing Land Use(s)	Vacant/agricultural land	
Proposed Land Use(s)	Multi-family residential, vertically integrated residential, light industry/warehouse, commercial/retail, research and development and other uses (overall).	
Physical Features (waterways, hazards, flood plain, hillside)	The Williams gas pipeline bisects this site	
Neighborhood meeting date; # of attendees:	11/30/23	
History (previous approvals)	AZ-09-008 Meridian Crossing (Ord. #10-1467; DA Inst. #110115738); ROS #7623 (Inst. #106170019 2006); H-2021-0081 [MDA, RZ, PP, CUP – DA Inst. #2022-049799 (replaced previous DA)]	

B. Project Area Maps



Note: The boundary of the site shown on the above maps is the entire property subject to the DA; the portion of the property that is the subject of this amended DA is only that at the southwest corner of the site in the M-E zoning district.

A. Applicant:

Will Goede, Adler Industrial – 8665 W. Emerald St., Se. 200, Boise, ID 83704

B. Owners:

Ten Mile West Commercial, LLC – 1144 S. Silverstone Way, Ste. 500, Meridian, ID 83642

Endurance Holdings, LLC – 1977 E. Overland Rd., Meridian, ID 83642

C. Representative:

Same as Applicant

III. NOTICING

	City Council Posting Date
Notification published in newspaper	6/23/2024
Notification mailed to property owners within 300 feet	6/21/2024
Applicant posted public hearing notice on site	6/24/2024
Nextdoor posting	6/17/2024

IV. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))

A. Development Agreement Modification (MDA):

The Applicant proposes an amendment to the existing Development Agreement (DA) associated with H-2021-0081, recorded as Inst. #[2022-049799](#), as follows: *(Staff’s comments in italics)*

- New DA provision – “4.3: Notwithstanding anything in the UDC or this Agreement to the contrary, Warehouse, including distribution, and Flex Space uses shall not be permitted in that portion of the property zoned M-E and designated “Warehouse & Flex Space Use Not Allowed” as shown on the map and described in the associated legal description/exhibit map in Section VI.B of the First Amendment.”

The inclusion of this restriction on approximately 1/3 of the M-E (Mixed-Employment) zoned area will ensure the property develops with a mix of employment uses as desired by the City with a limitation on flex and warehouse uses.

- Modify DA provision #5.1a, as follows: “Development of the subject property shall be generally consistent with the site plan, qualified open space exhibit, site amenity exhibit, pedestrian circulation plan, preliminary plat, phasing plan, landscape plan and conceptual building elevations submitted with the applications contained herein in the Development Agreement. An updated phasing plan for the development is included in Section VI.A of the First Amendment and by this reference incorporated herein as if set forth in full.”

Development priorities have changed, along with property ownership, since the time of the initial approvals; the proposed change will allow development to proceed in an alternate order.

- Update the phasing plan – see Section VI.A below for existing vs. proposed phasing plan.

The existing phasing plan depicts the following: 1) 1st phase – the southern portion of the R-15 zoned property; 2) 2nd phase – the M-E zoned property; 3) 3rd phase – the northern portion of the R-15 zoned property; 4) 4th phase – the H-E zoned property; and 5) the C-C zoned property.

The proposed plan depicts the following: 1) 1st phase – the M-E zoned property at the southwest corner of the property; 2) 2nd phase – the C-C and H-E zoned property on the

eastern portion of the property; and 3) 3rd phase – the R-15 zoned property on the northern portion of the site.

- Inclusion of alternative design and development guidelines for the distribution and light manufacturing area (i.e. warehouse/distribution and light industry/manufacturing uses) with the conceptual elevations shown in Section VI.C; and modification to the following DA provisions:
 - #5.1b: “All future development, site design and building design shall comply with the guidelines in the Ten Mile Interchange Specific Area Plan (TMISAP) and the standards in the Architectural Standards Manual (ASM), as applicable unless otherwise modified herein. The City Council approved alternatives to the design guidelines in the TMISAP consisting of lower roof pitches of 2:12 for the community clubhouse amenity buildings and 3:12 for the townhome garages to allow larger windows with lower sills at the second level; and front patios with railings that frame off the entrances that are covered by the above balconies instead of front stoops due to concerns pertaining to compliance with ADA requirements.”
 - #5.1i: “Development in the M-E district shall be consistent with the development guidelines contained in the Ten Mile Interchange Specific Area Plan (TMISAP) for Mixed Employment (ME) designated areas except for the M-E zoned area where warehouse, including distribution, and light industry, including manufacturing, uses are proposed as shown on the map and described in the associated legal description/exhibit map included in Section VI.C. In that area, a minimum of 8% windows on the frontage and a single plane wall maximum distance of 150’ without building modulation will be allowed as shown on the exhibits in Section VI.C instead of 20% windows and a single plane wall maximum equal to the building height without building modulation shown as examples on the transect on pg. 3-50 in the TMISAP. Only the building faces shown in red on the exhibit will be considered frontage.”

The TMISAP has elevated guidelines that apply to development within the TMISAP area. The Architectural Standards Manual (ASM) applies to all properties within the City, with established baseline minimum standards. These are in addition to the elevated guidelines in the Plan. The front/south side of the southernmost building will be highly visible from I-84; the front of the other buildings will be internal to the site and not as visible. Staff is unable to support requests for deviations from the guidelines in the Plan due to conflicts with the lesser ASM standards prior, apart from and prior to the design review process. Commercial ASM standards apply to M-E zoned areas, but the buildings are of an industrial style and may conflict with other citywide ASM standards as well. Action is needed from Council for such requests.

If Council approves the proposed deviations to the design guidelines in the Plan, the Applicant will need to include a request for a design standard exception with each commercial standard in the ASM that is not met, with subsequent administrative Design Review applications. Any such related request will likely not comply with the design standards in the ASM.

- #5.1l: “Design elements shall be provided within the overall development as required in the Application of the Design Elements matrix on pg. 3-49 of the TMISAP, except as otherwise allowed herein.”

This change allows for the above-noted exceptions if approved by City Council.

- Modification to DA provision #5.1.m – ~~“The subject property shall be subdivided prior to submittal of any Certificate of Zoning Compliance application(s) and/or building permit application(s). The Applicant may submit a Design Review, Certificate of Zoning Compliance, and building permit application(s) to finalize building design prior to recordation of the final plat(s) for the lot on which a building is located, however, the applicant will not receive the Certificate of Occupancy for any buildings prior to the recordation of the final plat for the lot on which the building is located.”~~

The proposed change will allow development to commence but will still require the plat to be recorded prior to occupancy.

V. DECISION

A. Staff:

Staff recommends approval of the requested modifications to the DA, except for the deviations from the design guidelines in the TMISAP, which require Council approval.

B. The Meridian City Council heard these items on July 9, 2024. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

- a. In favor: Will Goede, Adler Industrial (Applicant)
- b. In opposition: None
- c. Commenting: None
- 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. None

3. Key issue(s) of discussion by City Council:

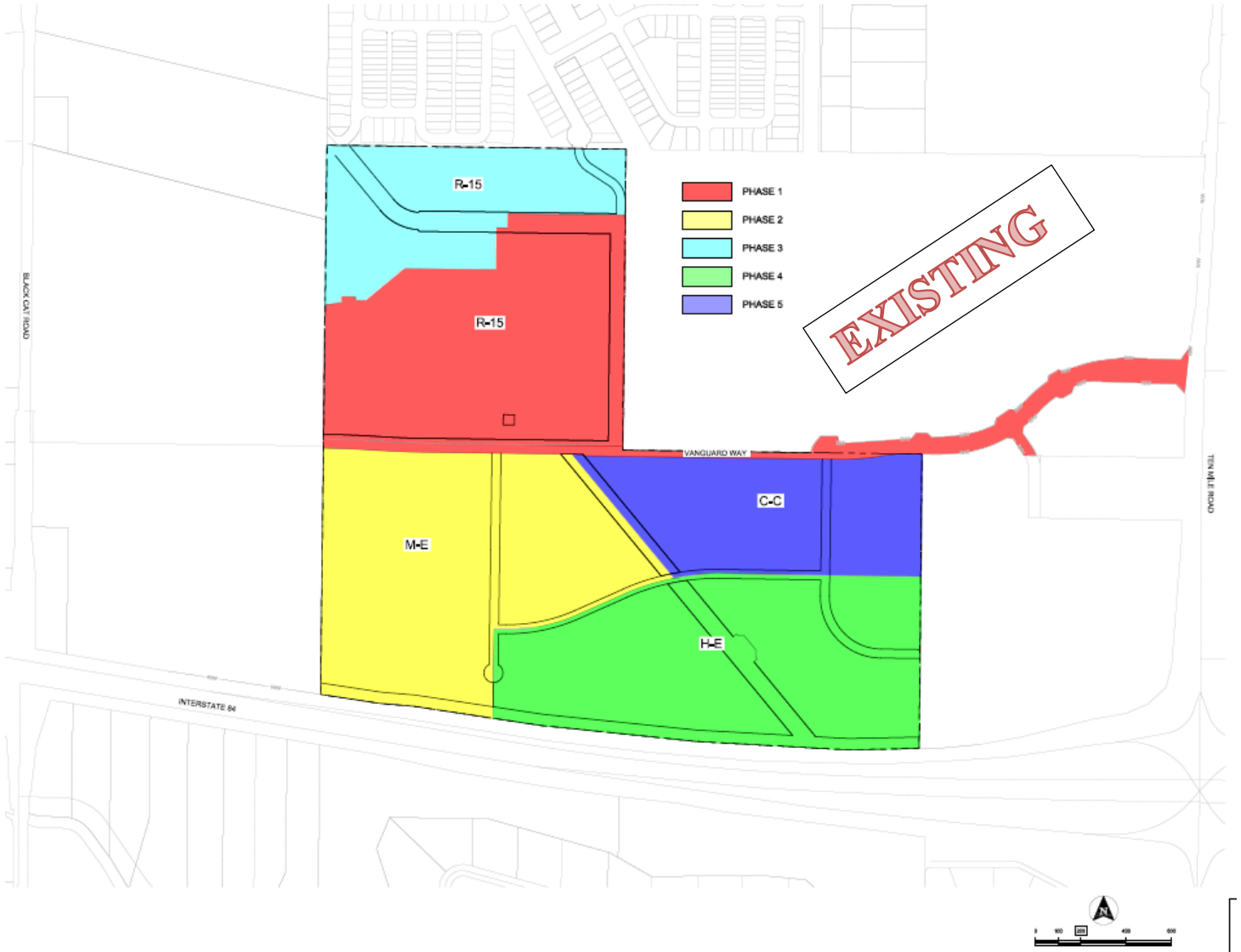
- a. Discussion pertaining to the Applicant’s request for alternative design and development guidelines.

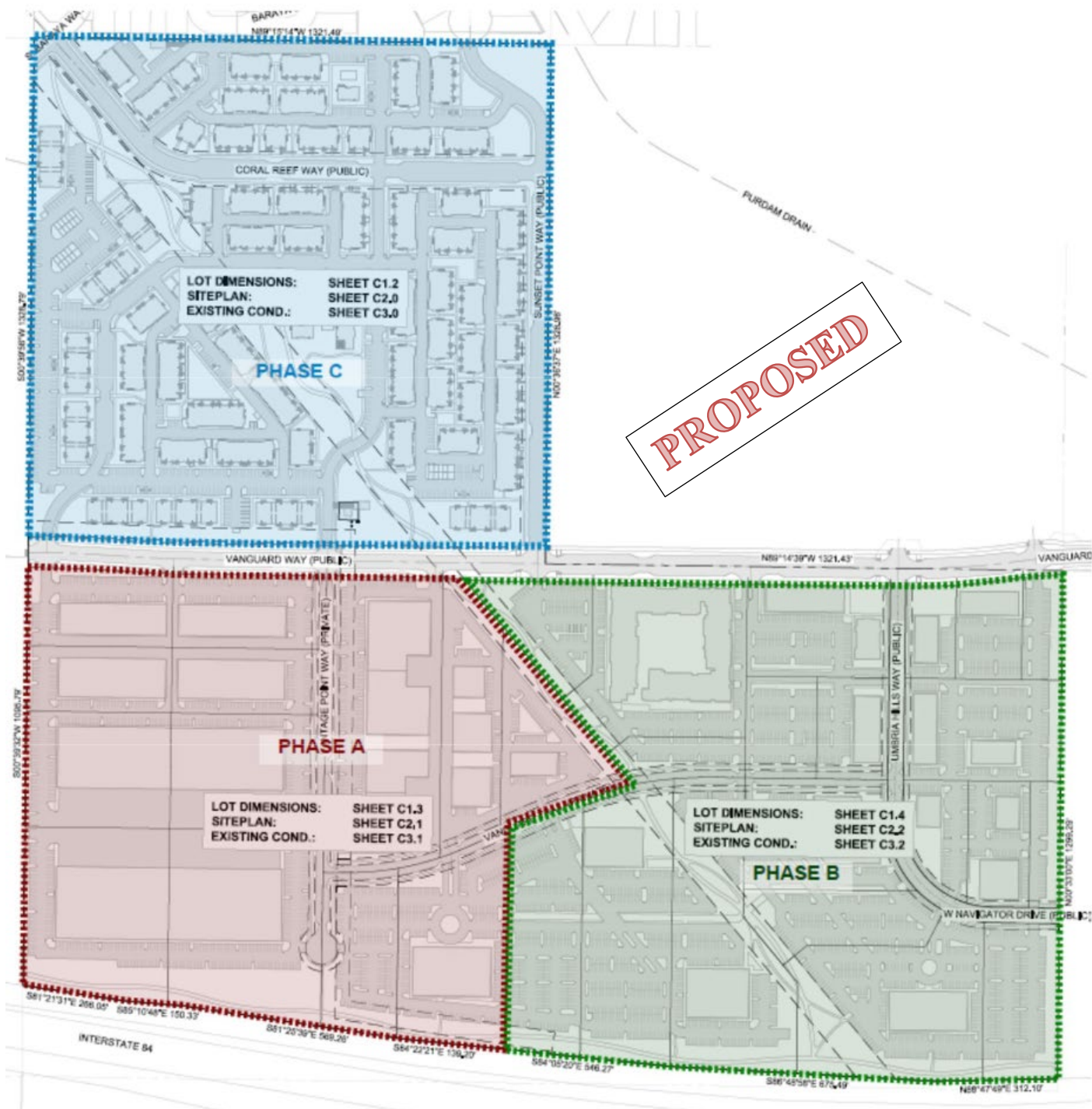
4. City Council change(s) to Commission recommendation:

- a. City Council approved the Applicant’s request for alternative design and development guidelines for the western portion of the M-E zoned area shown in the exhibits in Section VI.C.

VI. EXHIBITS

A. Existing & Proposed Phasing Plan





PROPOSED

B. Exhibit Depicting Warehouse & Flex Space Use Not Allowed Area and Legal Description/Exhibit Map of that Area

Depiction of Warehouse & Flex Space Use Not Allowed Area





Project No: 240076
Date: May 21, 2024
Page 1 of 1

**EXHIBIT "C"
TO FIRST AMENDMENT**

**LEGAL DESCRIPTION OF WAREHOUSE &
FLEX SPACE USE NOT ALLOWED AREA**

A parcel of land located in the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 15, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the center one-quarter corner of Section 15; thence, along the north boundary of said NE1/4 of the SW1/4,

- A. S.89°14'48"E., 291.84 feet to the **POINT OF BEGINNING**, thence leaving said north boundary,
1. S.39°31'08"E., 748.08 feet to the beginning of a non-tangent curve; thence,
 2. Southwesterly along said curve to the left having a radius of 1000.00 feet, an arc length of 185.66 feet, through a central angle of 10°38'16", of which the long chord bears S.71°25'13"W., 185.40 feet; thence, tangent from said curve,
 3. S.66°06'05"W., 231.67 feet to the beginning of a tangent curve; thence,
 4. Southwesterly along said curve to the right having a radius of 750.00 feet, an arc length of 70.03 feet, through a central angle of 5°21'01", of which the long chord bears S.68°46'35"W., 70.01 feet; thence, non-tangent from said curve,
 5. N.89°17'19"W., 299.81 feet; thence,
 6. N.00°45'12"E., 755.20 feet; thence,
 7. S.89°14'48"E., 266.65 feet to the **POINT OF BEGINNING**.

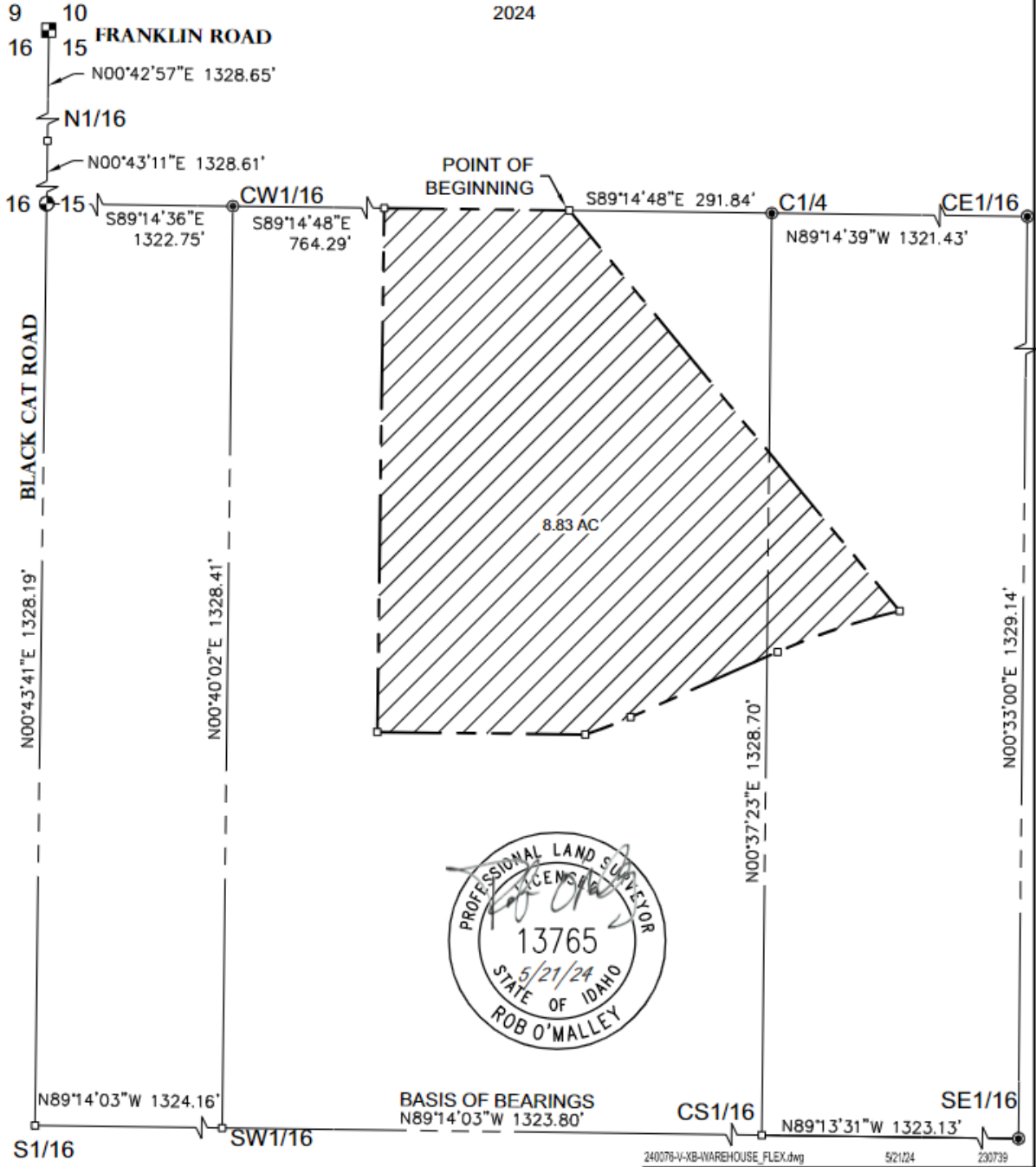
CONTAINING: 8.83 Ac.



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EXHIBIT SKETCH - WAREHOUSE AND FLEX SPACE

LOCATED IN THE NE1/4 OF THE SW14 AND THE NW1/4 OF THE SE1/4 OF SECTION 15,
TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO
2024



ARDURRA

332 N. BROADMORE WAY
NAMPA, IDAHO 83687
208-442-6300 | WWW.ARDURRA.COM

C. Distribution & Light Manufacturing Area Design Guidelines & Legal Description/Exhibit Map of that Area

EXHIBIT E - DISTRIBUTION & LIGHT MANUFACTURING AREA DESIGN GUIDELINES

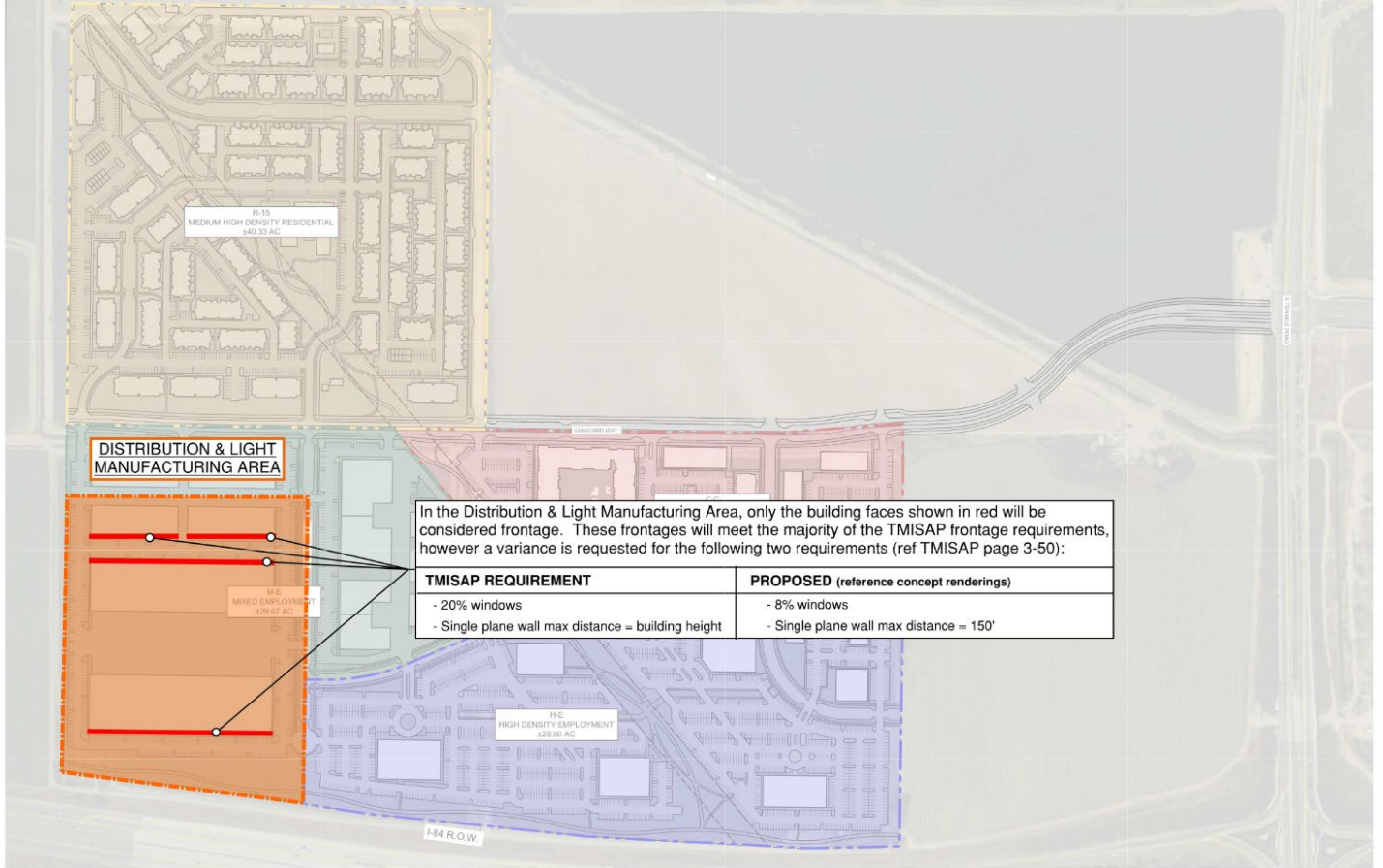


EXHIBIT E - DISTRIBUTION & LIGHT MANUFACTURING AREA DESIGN GUIDELINES



EXHIBIT E - DISTRIBUTION & LIGHT MANUFACTURING AREA DESIGN GUIDELINES



EXHIBIT E - DISTRIBUTION & LIGHT MANUFACTURING AREA DESIGN GUIDELINES





Project No: 240076
Date: May 21, 2024
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**EXHIBIT "F"
TO FIRST AMENDMENT**

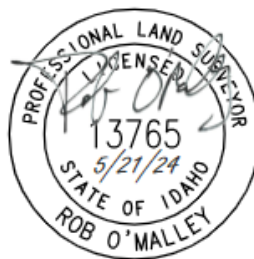
**LEGAL DESCRIPTION OF DISTRIBUTION
AND LAND MANUFACTURING AREA**

A parcel of land located in the NE1/4 of the SW1/4 of Section 15, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at the center west one-sixteenth corner of Section 15; thence, along the west boundary of said NE1/4 of the SW1/4,

- A. S.00°40'02"W., 231.45 feet to the **POINT OF BEGINNING**, thence leaving said boundary,
1. S.89°14'48"E., 763.91 feet; thence,
 2. S.00°45'12"W., 959.44 feet; thence,
 3. N.81°25'39"W., 352.27 feet; thence,
 4. N.85°10'48"W., 150.33 feet; thence,
 5. N.81°21'31"W., 266.05 feet to the west boundary of said NE1/4 of the SW1/4; thence, along said boundary,
 6. N.00°39'32"E., 864.35 feet to the **POINT OF BEGINNING**.

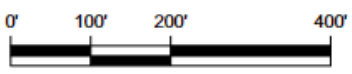
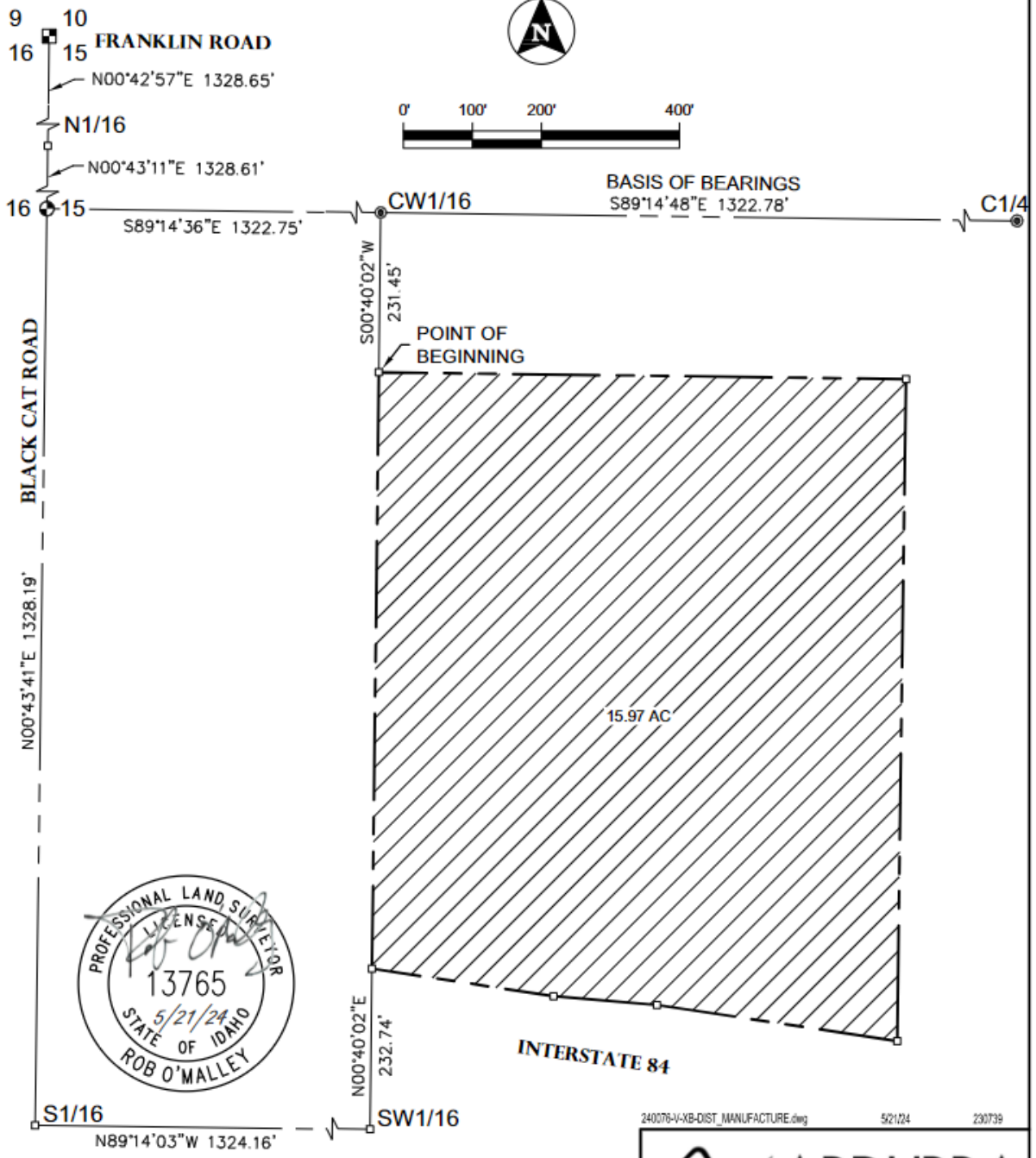
CONTAINING: 15.97 Ac.



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EXHIBIT SKETCH - DISTRIBUTION & LIGHT MANUFACTURING

LOCATED IN THE NE1/4 OF THE SW14 OF SECTION 15,
TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO
2024



240076-V-XB-DIST_MANUFACTURE.dwg 52124 230739

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