

EXHIBIT B

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



In the Matter of the Request for Annexation of 40.30-Acres of Land with R-40 (13.04-Acres) and C-C (27.25-Acres) Zoning Districts for The 10 at Meridian, by J-U-B Engineers, Inc.

Case No(s). H-2021-0025

For the City Council Hearing Dates of: June 22, and July 13, 2021 (Findings on July 27, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of July 13, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 13, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 13, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 13, 2021, 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 13, 2021, 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 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 July 13, 2021, 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. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of July 13, 2021

By action of the City Council at its regular meeting held on the 27th day of July, 2021.

COUNCIL PRESIDENT TREG BERNT

VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED AYE

COUNCIL MEMBER LUKE CAVENER

VOTED _____

COUNCIL MEMBER JOE BORTON

VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

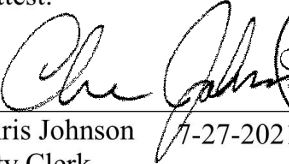
MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison 7-27-2021

Attest:


Chris Johnson 7-27-2021
City Clerk



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

By:  Dated: 7-27-2021
City Clerk's Office

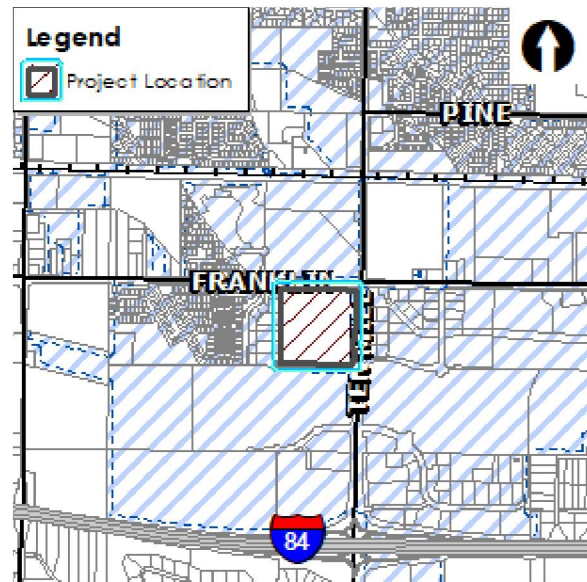
EXHIBIT A**STAFF REPORT****COMMUNITY DEVELOPMENT DEPARTMENT**

HEARING DATE: June 22, 2021

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533SUBJECT: H-2021-0025
The 10 at Meridian – AZ

LOCATION: 75 S. Ten Mile Rd. at the southwest corner of W. Franklin Rd. and S. Ten Mile Rd., in the NE ¼ of Section 15, Township 3N., Range 1W.

**I. PROJECT DESCRIPTION**

The Applicant requests annexation of 40.30 acres of land with R-40 (13.04-acres) and C-C (27.25-acres) zoning districts.

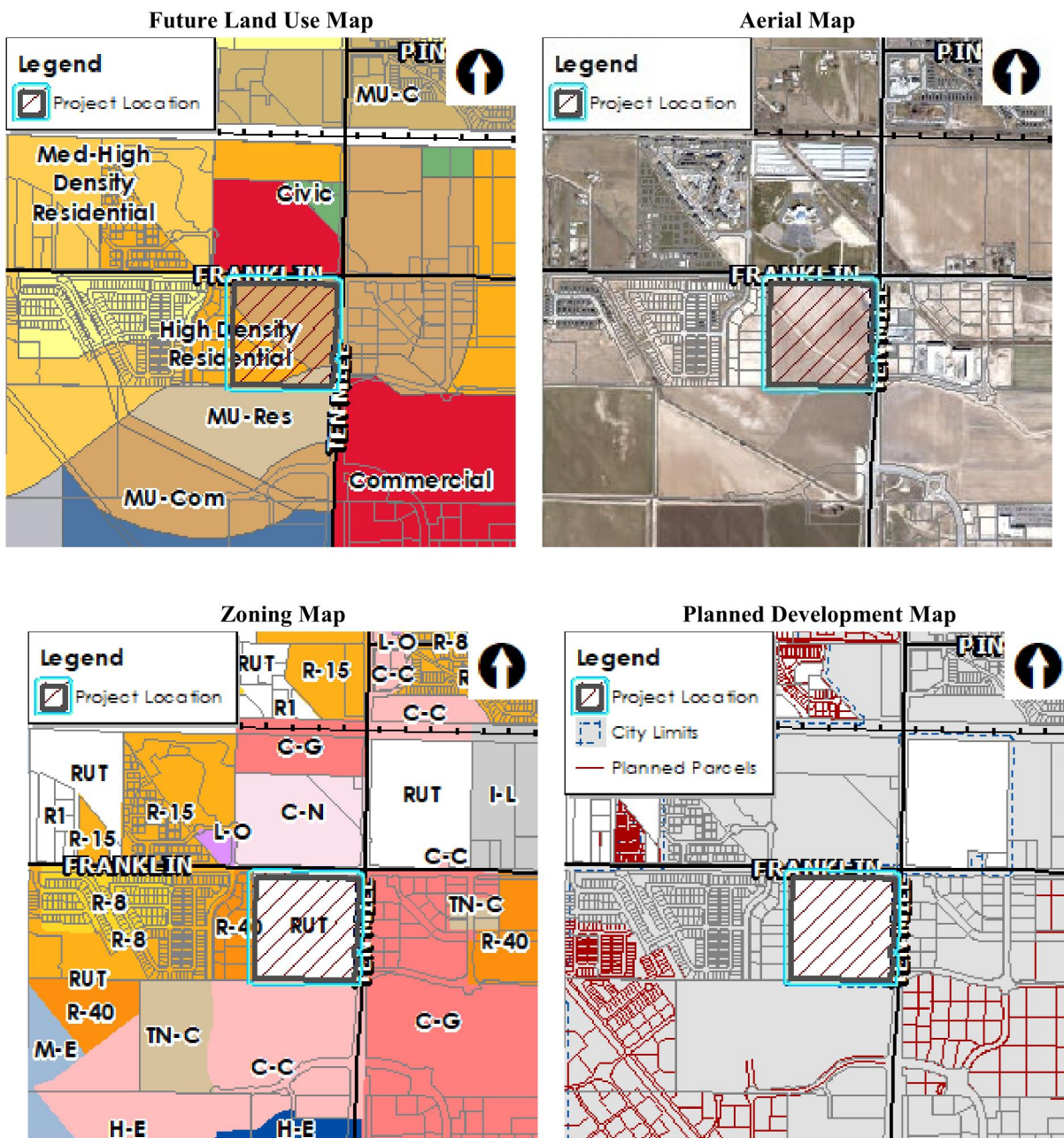
II. SUMMARY OF REPORT**A. Project Summary**

Description	Details	Page
Acreage	40.30-acres	
Future Land Use Designation	Mixed Use Commercial (22+/- acres); High Density Residential (11+/- acres); Mixed Use Residential (3+/- acres)	
Existing Land Use	Undeveloped agricultural land	
Proposed Land Use(s)	Mixed use (residential/commercial)	
Current Zoning	RUT in Ada County	
Proposed Zoning	R-40 (High-Density Residential) (13.04-acres) and C-C (Community Business) (27.25-acres)	
Neighborhood meeting date; # of attendees:	3/29/2021; no attendees other than property owner	
History (previous approvals)	None	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	No	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Two (2) accesses are proposed via Franklin Rd., two (2) accesses are proposed via Ten Mile Rd., and one (1) access is proposed via Cobalt Dr.	
Fire Service	No comments were submitted.	
Police Service	See comments in Section IX.D.	
Wastewater		
Distance to Sewer Services	Adjacent to parcel	
Sewer Shed	South Black Cat trunkshed	
Estimated Project Sewer ERU's	See application	
WRRF Declining Balance	14.14	
Project Consistent with WW Master Plan/Facility Plan	Yes	
Impacts/Concerns	None	
Water		
Distance to Water Services	Adjacent to parcel	
Pressure Zone	2	
Estimated Project Water ERU's	See application	
Water Quality	None	
Project Consistent with Water Master Plan	Yes	
Impacts/Concerns	None	

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Wendy Shrief, J-U-B Engineers, Inc. – 250 S. Beechwood Ave., Ste. 201, Boise, ID 83709

B. Owner:

Erik Pilegaard, Elk Ventures, LLC – 5137 Golden Foothills Parkway, Ste. 100, El Dorado, CA 95762

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	4/30/2021	6/4/2021
Radius notification mailed to property owners within 300 feet	4/27/2021	6/2/2021
Public hearing notice sign posted on site	5/7/2021	6/9/2021
Nextdoor posting	4/27/2021	6/2/2021

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: The majority of this property is designated Mixed Use Commercial (MU-COM) (northeast 22+/- acres) and High Density Residential (HDR) (southwest 11+/- acres) on the Future Land Use Map (FLUM) in the [Comprehensive Plan](#) with a narrow sliver of Mixed Use Residential (MU-RES) (3+/- acres) along the southern boundary which will mostly be right-of-way for W. Cobalt Dr. This property is located within the area governed by the [Ten Mile Interchange Specific Area Plan](#) (TMISAP).

The purpose of the MU-COM designation is to encourage the development of a mixture of office, retail, recreational, employment, and other miscellaneous uses, with supporting multi-family or single-family attached residential uses (see pg. 3-9 in the TMISAP for more information).

HDR designated areas are multiple-family housing areas where relatively larger and taller apartment buildings are the recommended building type. HDR areas should include a mix of housing types that achieve an overall average density target of at least 16-25 dwelling units per gross acre (see pg. 3-7 in the TMISAP for more information).

The purpose of the MU-RES designation is to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, employment, and other miscellaneous uses (see pg. 3-8 in the TMISAP for more information).

Mixed use designated areas in the TMISAP are recommended locations for development of activity centers that are specifically planned to include both residential and non-residential uses. Mixed use areas are anticipated to have 3 or more significant income producing uses (i.e. retail, office, residential and lodging facilities) with significant functional and physical integration in conformance with a coherent plan (pgs. 3-7 & 3-8).

The site is proposed to develop with a mix of uses (horizontal and vertical) as shown on the conceptual development plan in Section VIII.B. High-density 4-story multi-family residential apartments (380 1- and 2-bedroom units) are proposed in the HDR & MU-RES designated portions of the site with 3-story multi-family flats (137 1- and 2-bedroom units) and townhouse style (24 3-bedroom units) units with a clubhouse/recreation center [14,000 square feet (s.f.)], 3-story vertically integrated mixed use [primarily retail uses on the 1st floor (20,025 s.f.) with residential (42 1- and 2-bedroom units) on the 2nd and 3rd floors] and single-story financial institution (5,000 s.f.), mixed use service retail buildings (52,775 s.f.) and restaurants (9,250 s.f.) with drive-throughs with 2-story office buildings (46,600 s.f.) proposed in the MU-COM designated portion of the site adjacent to Franklin and Ten Mile Roads. A total of 559 residential units and 147,650 s.f. of commercial uses are proposed to develop in the overall site.

Staff finds the mix of income producing uses proposed as well as the vertical and horizontal integration of such uses and residential densities interconnected by pedestrian walkways and amenities is generally consistent with the goals of the TMISAP for this area.

Transportation: Cobalt Drive is proposed to be extended as a collector street from S. Ten Mile Rd. at the southeast corner and along the southern boundary of the site consistent with the Master Street Map in the Comprehensive Plan and the Transportation System Map in the TMISAP. *The proposed collector street network approved with the annexation of the Janicek property to the south (AZ-11-001, DA Inst. #112073616) depicts the extension of Cobalt as proposed with this application with the western segment lying off-site on the adjacent property to the south.*

Design: Conceptual building elevations were submitted for the multi-family residential structures and the associated clubhouse building. The design of the proposed multi-family structures appear to be of a high quality and are generally consistent in style, materials and colors. Elevations weren't submitted for the commercial portion of the development as tenants are unknown at this time. **Final design of the site and all structures is required to comply with the design elements of the TMISAP per the Application of Design Elements matrix on pg. 3-49 of the TMISAP and the design standards in the Architectural Standards Manual. The commercial portion of the development should incorporate similar design elements, colors and materials as the residential portion of the development.**

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

A variety of multi-family housing is proposed in this development consisting of flats, townhome and apartment style units, which will contribute to the variety of housing types in the City, specifically in the Ten Mile area as desired, that should cater to different financial capabilities.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available and can be extended by the developer with development in accord with UDC 11-3A-21.

- “Locate higher density housing near corridors with existing or planned transit, Downtown, and in proximity to employment centers.” (2.01.01H)

The site is located at a major intersection along two major mobility arterials (Franklin and Ten Mile Roads) and in close proximity to employment centers. Transit services exist in the Ten Mile Crossing development to the east at the intersection of Vanguard/Wayfinder to serve this area – other transit stops may be added in the future.

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

The proposed project with multi-family residential and a grocery store with nearby employment (retail/office uses) and restaurant uses, should provide a good mix of uses that residents won’t have to travel far for, thus reducing vehicle trips and enhancing overall livability and sustainability.

- “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)

This property is an enclave surrounded by City annexed land. Annexation and development of this property will maximize public services.

- “Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to the City's vision and the necessary extension of public services and infrastructure is provided.” (3.03.03)

The proposed development plan is generally consistent with the City's vision for this property through the Comprehensive Plan; the developer will extend public services and infrastructure as needed for the development.

VI. STAFF ANALYSIS

A. ANNEXATION & ZONING

The Applicant proposes to annex 40.30 acres of land with R-40 (13.04-acres) and C-C (27.25-acres) zoning districts. A conceptual development plan was submitted as shown in Section VIII.B that proposes offices, a financial establishment, retail pads, a grocery store, vertically integrated residential and multi-family residential in accord with the associated MU-COM, HDR and MU-RES, FLUM designations for the property.

A phasing plan was not submitted; however, the Applicant states the 3-story flats and townhome style multi-family residential and clubhouse would develop in the first phase along with the associated infrastructure; the 4-story high-density multi-family would follow with the commercial last as tenants commit.

The proposed C-C zoning district is listed as a possible zoning choice in the MU-COM and MU-RES; and the R-40 zoning district is listed as the best choice in the HDR and possible choice in the MU-RES FLUM designation, per the Zoning District Compatibility Matrix in the TMISAP (pgs. 2-4 & 2-5).

The Kennedy Lateral bisects this site and is proposed to be tiled in certain areas and left open in others as shown on the conceptual development plan. The UDC (11-3A-6B.3) required all laterals crossing or lying within the area being developed to be piped or otherwise covered unless left open and used as a water amenity or linear open space as defined in UDC 11-1A-1. The decision making body may waive the requirement for covering such lateral if it finds that the public purpose requiring such will not be served and public safety can be preserved. **A waiver from Council is requested for portions of the lateral proposed to be left open; if not approved, the lateral is required to be piped.**

Access to the site is proposed as shown on the conceptual development plan in Section VIII.B. ACHD has reviewed the proposed accesses and supports the following: Access A – full access; Access B – right-in/right-out only; Access C – right-out only; Access D – right-in/right-out only; and Cobalt – right-in/right-out/left-in only. **Staff recommends access is restricted through the Development Agreement as supported by ACHD per the comments in Section IX.K.**



Off-street parking is depicted on the concept plan to serve the mixed use development. Based on (291) 1-bedroom units, (250) 2- and 3-bedroom units and 42 vertically integrated residential units, a minimum of 979 spaces consisting of 541 covered spaces and 396 uncovered spaces are required per UDC Table 11-3C-6; a total of 1,034 spaces are depicted. Based on 138,400 s.f. of non-residential uses, a minimum of 277 spaces are required per UDC 11-3C-6B.1 and based on 9,250 s.f. of restaurant uses, a minimum of 37 spaces are required per UDC 11-4-3-49A.1, for a total of 314 spaces; a total of 448 spaces are proposed in excess of the minimum standards.

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. A legal description and exhibit map for the annexation area is included in Section VIII.A.

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 a DA is required as a provision of annexation (see provision in Section IX.A).**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed Annexation & Zoning with the requirement of a Development Agreement per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard this item on May 20, 2021. At the public hearing, the Commission moved to recommend approval of the subject AZ request.

1. Summary of Commission public hearing:

- a. In favor: Wendy Shrief, JUB Engineers; Lane Borges; Hethe Clark
- b. In opposition: None
- c. Commenting: Cody Black (representing property owner directly to the south)
- d. Written testimony: Cody Black; Wendy Shrief, JUB Engineers
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. The property owner to the south requests the western portion of Cobalt Dr. be located on the subject property and not on their property.
 3. Key issue(s) of discussion by Commission:
 - a. The location and alignment of Cobalt Dr. to the west.
 - b. Opinion that too much residential may be proposed – that the northern “flats” should be converted to commercial.
 4. Commission change(s) to Staff recommendation:
 - a. None
 5. Outstanding issue(s) for City Council:
 - a. The Applicant requests a waiver to UDC 11-3A-6B.3 for portions of the Kennedy Lateral, which bisects this site, to remain open and not be piped.
- C. The Meridian City Council heard this item on June 22 and July 13, 2021. At the public hearing, the Council moved to approve the subject AZ request.
1. Summary of the City Council public hearing:
 - a. In favor: Wendy Shrief; Hethe Clark; Lane Borges; Eric Pilegaard
 - b. In opposition: None
 - c. Commenting: JoAnn Butler (representing property owner to the south); Denise LaFever
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen and Bill Parsons
 - f. Other Staff commenting on application: Bill Nary
 2. Key issue(s) of public testimony:
 - a. Preference for the western portion of Cobalt Dr. to be located on the subject property or at least on the shared property;
 - b. Various concerns noted by Ms. LaFever (see minutes).
 3. Key issue(s) of discussion by City Council:
 - a. Concern there’s too much residential proposed, desire for more commercial uses to be provided.
 - b. Proposed accesses via Franklin & Ten Mile Roads;
 - c. Would like to see a better integration of open space within the overall multi-family development (i.e. south side of the Kennedy Lateral);
 - d. Extension of Cobalt Dr.
 4. City Council change(s) to Commission recommendation:
 - a. Modification to condition #A.1d in Section IX to require the property to be subdivided prior to issuance of the first Certificate of Occupancy for the development.
 - b. City Council approved a waiver to UDC 11-3A-6B.3a to allow certain sections of the Kennedy Lateral to remain open as proposed.
 - c. Added a DA provision that prior to submission of the preliminary plat, the applicant shall provide a written agreement with the property owner of parcel #S1215131400 on the extension of W. Cobalt Dr.

VIII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map

EXHIBIT __

DESCRIPTION FOR

THE 10 AT MERIDIAN CITY OF MERIDIAN ANNEXATION

The NE1/4 of the NE1/4 of Section 15, T.3N., R.1W., B.M., City of Meridian, Ada County, Idaho more particularly described as follows:

BEGINNING at NE corner of said Section 15 from which the N1/4 corner of said Section 15 bears North 89°15'23" West, 2640.72 feet;

thence along the East boundary line of said Section 15 South 00°33'16" West, 1,329.09 feet to the N1/16 corner of said Section 15;

thence along the South boundary line of the NE1/4 of the NE1/4 of said Section 15 North 89°15'02" West, 1,321.18 feet to the NE1/16 of said Section 15,

thence along the West boundary line of NE1/4 of the NE1/4 of said Section 15 North 00°35'22" East, 1,328.96 feet to the E1/16 corner of said Section 15;

thence along the North boundary line of said Section 15 South 89°15'23" East, 1,320.37 feet to the **REAL POINT OF BEGINNING**. Containing 40.30 acres, more or less.



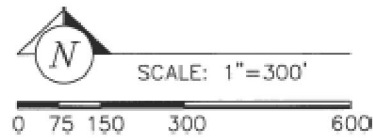
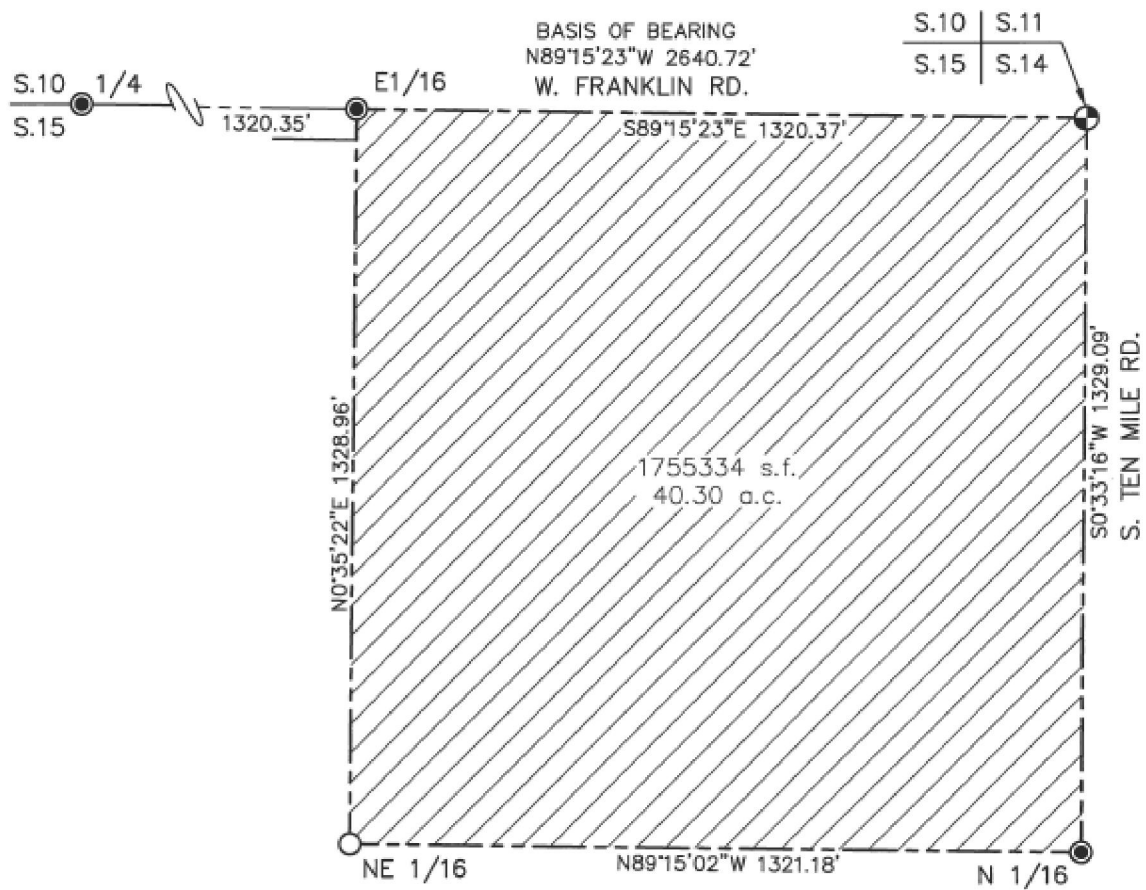


EXHIBIT __

DESCRIPTION FOR

**THE 10 AT MERIDIAN
CITY OF MERIDIAN ZONE CC**

A portion of land located in the NE1/4 of the NE1/4 of Section 15, T.3N., R.1W., B.M., City of Meridian, Ada County, Idaho more particularly described as follows:

BEGINNING at NE corner of said Section 15 from which the N1/4 corner of said section 15 bears North 89°15'23" West, 2640.72 feet;

thence along the East boundary line of said Section 15 South 00°33'16" West, 1,329.09 feet to the N1/16 corner of said Section 15;

thence along the South boundary line of the NE1/4 of the NE1/4 of said Section 15 North 89°15'02" West, 20.27 feet;

thence leaving said South boundary line North 57°06'08" West, 149.94 feet;

thence North 60°22'50" West, 293.40 feet;

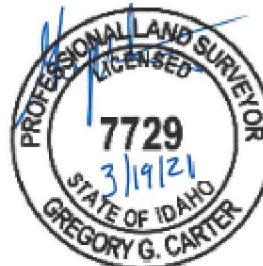
thence North 58°00'44" West, 371.54 feet;

thence 131.19 feet along the arc of curve to the right, said curve having a radius of 500.00 feet, a central angle of 15°02'00" and a long chord which bears North 50°29'44" West, 130.81 feet;

thence North 42°58'44" West, 723.60 feet to a point on the West boundary line of NE1/4 of the NE1/4 of said Section 15;

thence along said West boundary line North 00°35'22" East, 310.05 feet to the E1/16 corner of said Section 15;

thence along the North boundary line of said Section 15 South 89°15'23" East, 1,320.37 feet to the **POINT OF BEGINNING**. Containing 27.25 acres, more or less.



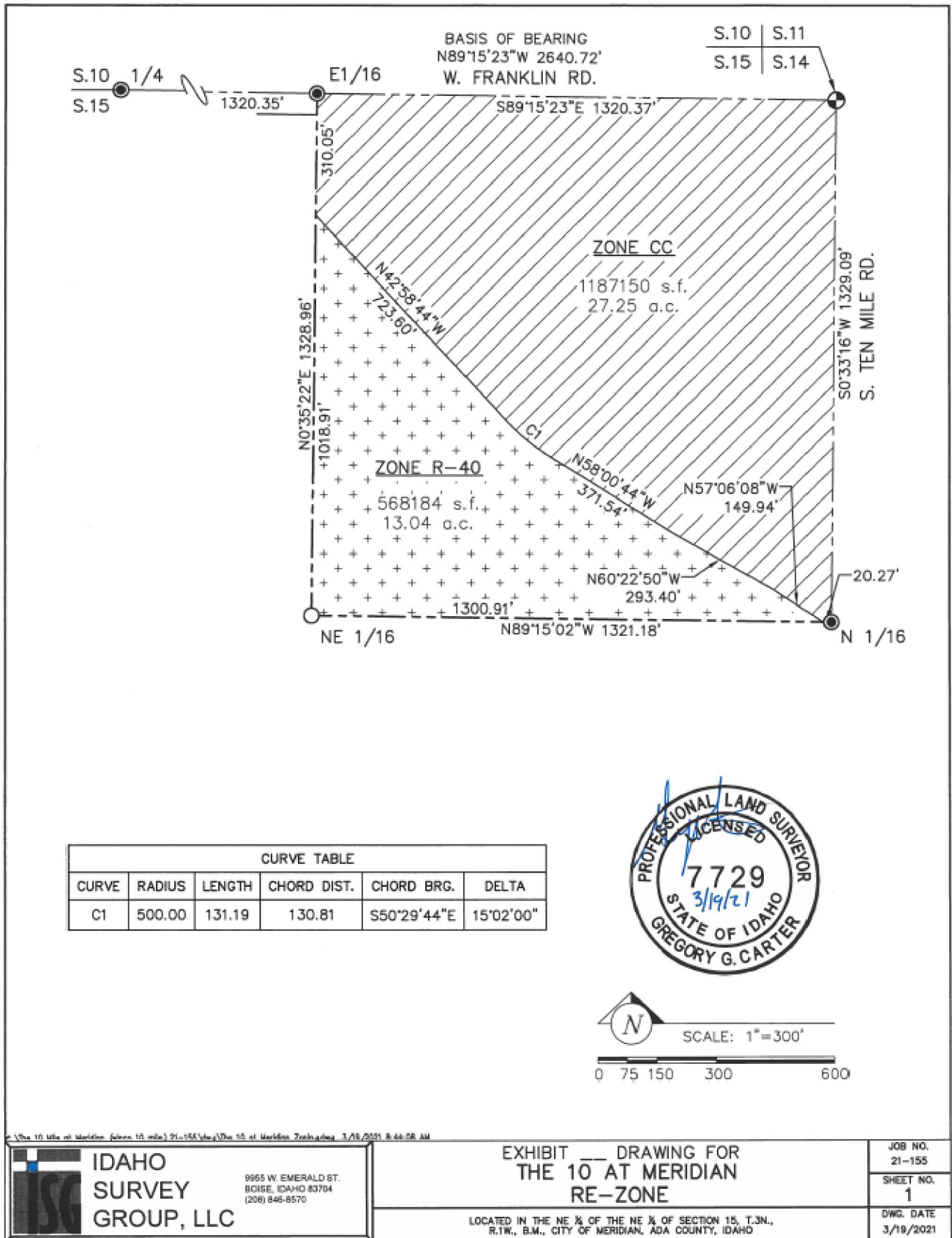


EXHIBIT __
DESCRIPTION FOR
THE 10 AT MERIDIAN
CITY OF MERIDIAN ZONE R-40

A portion of land located in the NE1/4 of the NE1/4 of Section 15, T.3N., R.1W., B.M., City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at NE corner of said Section 15 from which the N1/4 corner of said Section 15 bears North 89°15'23" West, 2640.72 feet;

thence along the East boundary line of said Section 15 South 00°33'16" West, 1,329.09 feet to the N1/16 corner of said Section 15;

thence along the South boundary line of the NE1/4 of the NE1/4 of said Section 15 North 89°15'02" West, 20.27 feet the **REAL POINT OF BEGINNING**;

thence continuing along said South boundary line North 89°15'02" West, 1,300.91 feet to the NE1/16 of said Section 15;

thence along the West boundary line of NE1/4 of the NE1/4 of said Section 15 North 00°35'22" East, 1,018.91 feet;

thence leaving said West boundary line South 42°58'44" East, 723.60 feet;

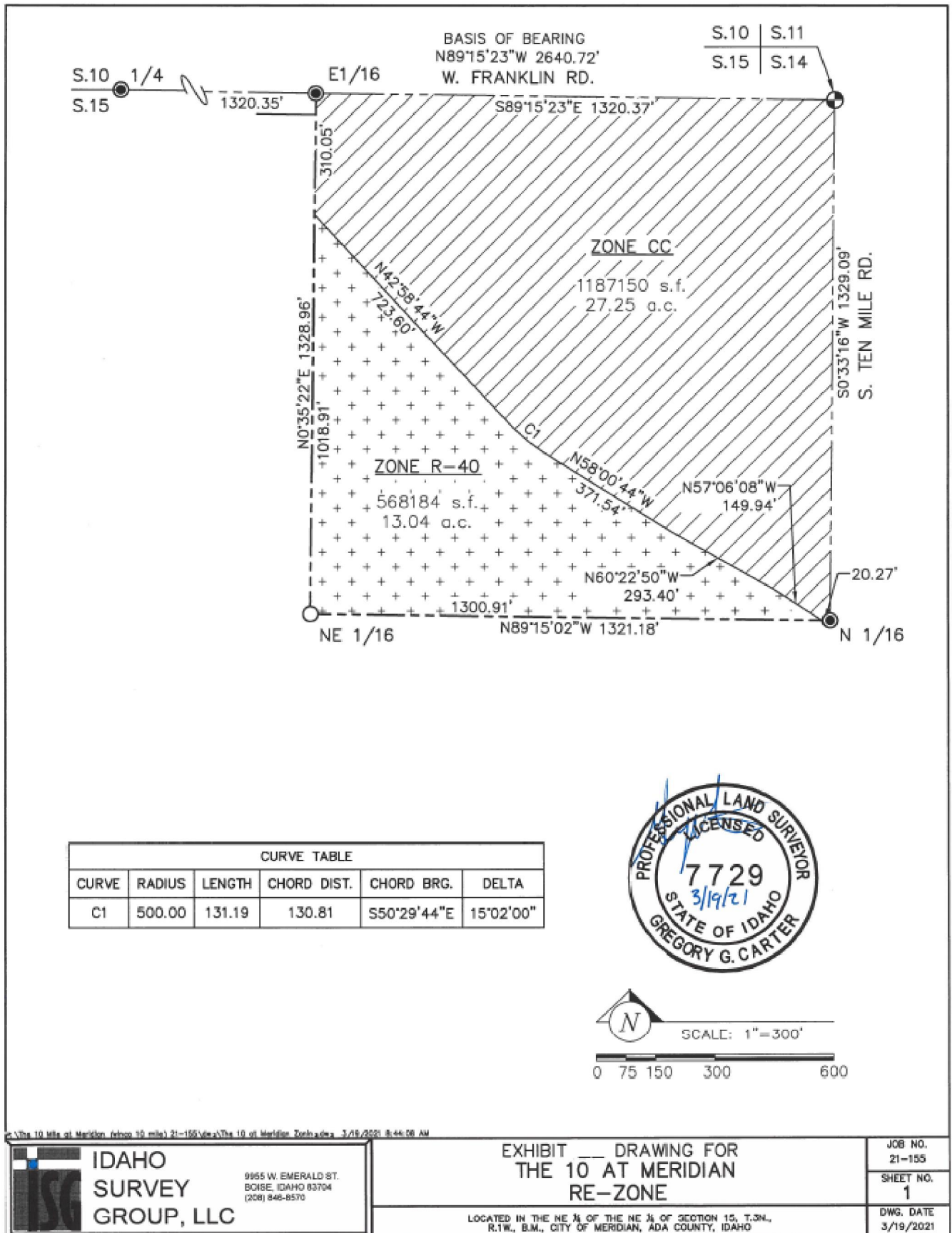
thence 131.19 feet along the arc of curve to the left, said curve having a radius of 500.00 feet, a central angle of 15°02'00" and a long chord which bears South 50°29'44" East, 130.81 feet;

thence South 58°00'44" East, 371.54 feet;

thence South 60°22'50" East, 293.40 feet;

thence South 57°06'08" East, 149.94 feet to the **REAL POINT OF BEGINNING**.
Containing 13.04 acres, more or less.

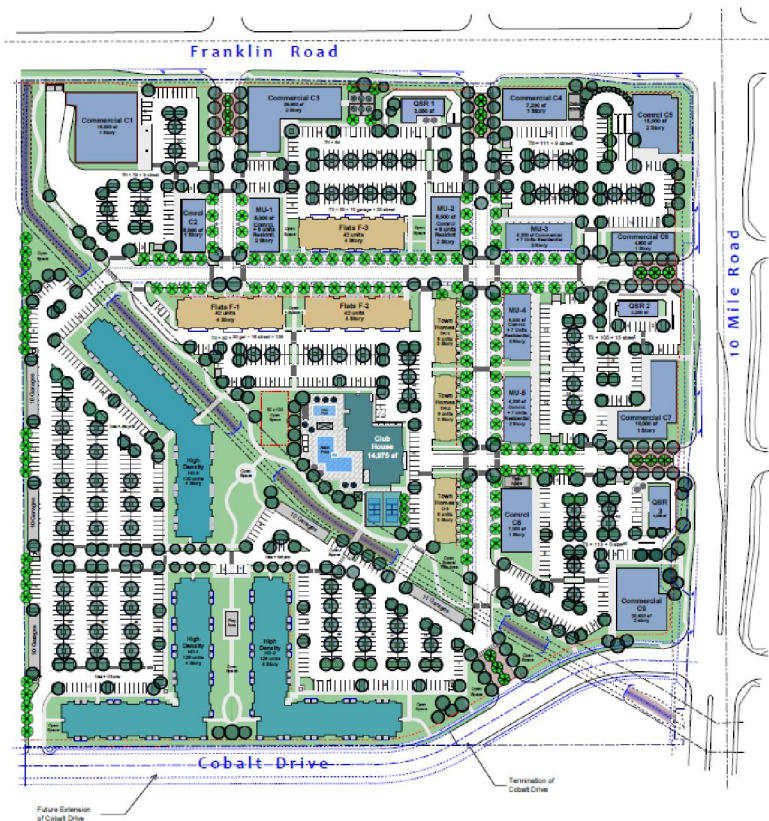




B. Conceptual Development Plan (dated: ~~March 10, 2021~~ July 26, 2021)

Project Summary

Commercial	
QSR Pad Buildings 1-3	8,480 sf
Commercial C1 - C8	114,400 sf
Mixed Use Commercial MU1 - MU5	28,500 sf
Recreation Center	14,975 sf
Total Commercial Use	166,425 sf
Parking Required	324 spaces
Parking Provided	505 spaces
Residential	
High Density Apartments HD1 - HD3	376 units
1 BR - 242 units = 64 %	
2 BR - 134 units = 36 %	
Plots B1 - B3	126 units
1 BR - 84 units = 67 %	
2 BR - 42 units = 33 %	
Townhomes D1 - D3	24 units
3 BR - 24 units	
Mixed Use Apartments	33 units
1 BR - 22 units = 67 %	
2 BR - 11 units = 33 %	
Total Residential Units	859 units
Parking Required	923 spaces
Parking Provided	956 spaces



10 Mile Road & Franklin Road Residential & Commercial Mixed Use Center

Scale: 1" = 80'

June 26, 2021

C. Conceptual Building Elevations
Multi-Family (Flats):

A-1 | BLDG



B-1 | BLDG









Multi-Family (Townhome Style):





Multi-Family (High-Density Apartments):



Clubhouse:







IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. The subject property shall develop in substantial compliance with the conceptual development plan and building elevations in Section VIII.B and the land use, transportation, and design elements of the Ten Mile Interchange Specific Area Plan (TMISAP).
- b. The project shall comply with the applicable design elements as noted in the Application of Design Elements matrix in the TMISAP (see pg. 3-49) and the design standards in the Architectural Standards Manual.
- c. Access to the site via W. Franklin Rd., S. Ten Mile Rd. and W. Cobalt Dr. shall be restricted as recommended by ACHD in Section IX.K.
- d. The subject property shall be subdivided prior to ~~any development occurring on the site~~ issuance of the first Certificate of Occupancy for the development.
- e. The Kennedy Lateral shall be piped in its entirety where it crosses the subject property as required by UDC 11-3A-6B.3 unless otherwise waived by City Council as set forth in UDC 11-3A-6B.3a. City Council approved a waiver to UDC 11-3A-6B.3 to allow certain sections of the Kennedy Lateral to remain open as proposed.
- f. Prior to submittal of a preliminary plat application, the applicant shall execute a mutual agreement with the property owner of parcel #1215131400 on the terminus of W. Cobalt Dr. in conformance with the approved concept plan. If a mutual agreement cannot be reached, the applicant shall design and construct the half section of W. Cobalt Dr., so that the center line for

the portion that abuts parcel #1215131400 is along the shared property boundary, with the centerline of W. Cobalt Dr. eventually turning southwest (proceeding from east to west) to allow for a stub in a location to be approved by ACHD.

PUBLIC WORKS

2. Site Specific Conditions of Approval

- 1.1 Any unused sanitary sewer and/or water services or mains must be abandoned.
- 1.2 Ensure no permanent structures (trees, bushes, carports, trash enclosures, etc.) are built within any utility easements.

B. FIRE DEPARTMENT

No comments were received.

C. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=227946&dbid=0&repo=MeridianCity>

D. PARK'S DEPARTMENT

No comments were received.

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228197&dbid=0&repo=MeridianCity>

F. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=227634&dbid=0&repo=MeridianCity>

G. CENTRAL DISTRICT HEALTH

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228247&dbid=0&repo=MeridianCity>

H. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228703&dbid=0&repo=MeridianCity>

I. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228965&dbid=0&repo=MeridianCity>

J. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=229278&dbid=0&repo=MeridianCity>

K. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=228985&dbid=0&repo=MeridianCity>

X. FINDINGS

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

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

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

The City Council finds the Applicant's proposal to annex the subject 40.30-acre property with R-40 and C-C zoning districts consistent with the MU-COM, HDR and MU-RES FLUM designations for this property. (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 complies with the regulations outlined for the R-40 and C-C zoning districts and the purpose statements of the residential and commercial districts.

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

The City Council finds the proposed map amendment will not be detrimental to the public health, safety and welfare in this area.

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

The City Council finds the proposed map amendment will not result in an adverse impact upon the delivery of services by any political subdivision providing public services.

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

The City Council finds the proposed annexation is in the best interest of the City.