

EXHIBIT B

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



In the Matter of the Request for Annexation and Zoning of 17.88-acres of land with the C-C (Community Business District) zoning district, by Doug Tamura.

Case No(s). H-2021-0048

For the City Council Hearing Date of: October 12, 2021 (Findings on October 26, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of October 12, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 12, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 12, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of October 12, 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 October 12, 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 to C-C is hereby approved per the conditions of approval in the Staff Report for the hearing date of October 12, 2021, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of 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 October 12, 2021.

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

COUNCIL PRESIDENT TREG BERNT VOTED _____

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED _____

COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOE BORTON VOTED _____

COUNCIL MEMBER LIZ STRADER VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert 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



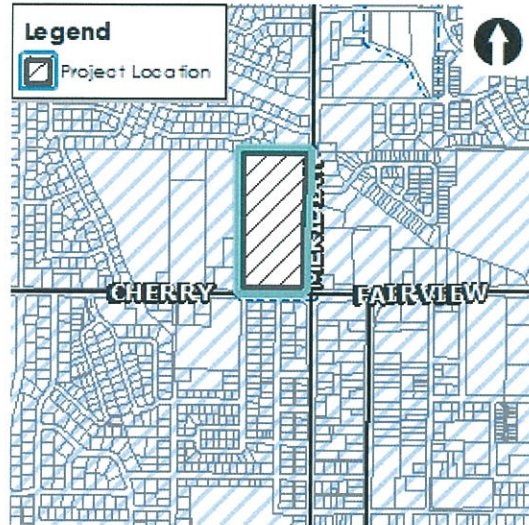
HEARING DATE: 10/12/2021

TO: Mayor & City Council

FROM: Alan Tiefenbach
208-884-5533
Bruce Freckleton, Development
Services Manager
208-887-2211

SUBJECT: H-2021-0048
McFadden Property

LOCATION: The site is located at 104 W. Cherry Lane, in the East ½ of the SE ¼ of the SE ¼ of Section 1, Township 3N, Range 1W.



I. PROJECT DESCRIPTION

Annexation and zoning (AZ) of 17.88-acres of land with the C-C (Community Business District) zoning district. The main purpose for seeking annexation at this time is to ensure this area can be included as part of the Northern Gateway Urban Renewal Plan currently being developed by the Meridian Development Corporation (MDC).

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	17.88	
Future Land Use Designation	Mixed Use Community (MU-C)	
Existing Land Use(s)	Rural Agricultural	
Proposed Land Use(s)	Mixed Use	
Lots (# and type; bldg./common)	One existing, future to be determined.	
Phasing Plan (# of phases)	2	
Number of Residential Units (type of units)	N/A	
Amenities	Amenities will be determined with future build-out. Staff is recommending a development agreement provision that requires detailed amenity, open space and circulation plans after construction of the first phase.	
Physical Features (waterways, hazards, flood plain, hillside)	Settler's Canal bisects the property east to west.	

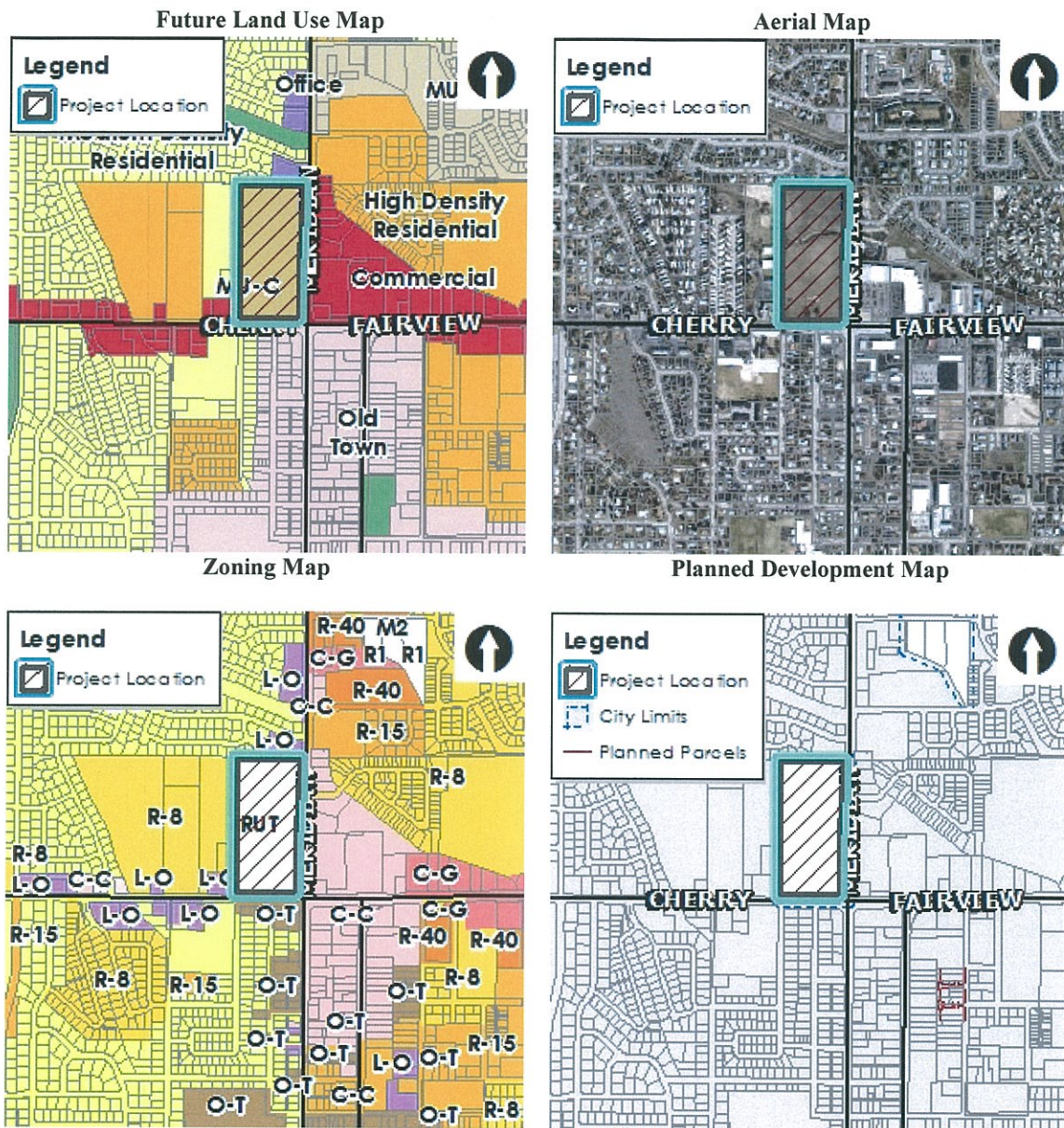
Description	Details	Page
Neighborhood meeting date; # of attendees:	June 23, 2021 - 6 Attendees	
History (previous approvals)	N/A	

B. Community Metrics

Description	Details		Page
Ada County Highway District			
Staff report (yes/no)	Yes (future proposals will require additional ACHD review).		
Requires ACHD Commission Action (yes/no)	No		
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	N. Meridian Rd. and W. Cherry Ln. (both arterials).		
Traffic Level of Service	LOS > E		
Stub Street/Interconnectivity/Cross Access	First phase will rely on access from N. Meridian Rd. and W. Cherry Ln.		
Existing Road Network	N. Meridian Rd. and W. Cherry Ln. (both arterials).		
Existing Arterial Sidewalks / Buffers	There are no existing buffers. Existing sidewalk between 5'-7' exists along the N. Meridian Rd. /W Cherry Ln. Rd. frontage.		
Proposed Road Improvements	No proposed road improvements with the first phase.		
Distance to nearest City Park (+ size)	¾ miles to Settlers Park		
Fire Service			
	No comments on this phase.		
Police Service			
Distance to Police Station	No comments on this phase.		
West Ada School District			
Distance (elem, ms, hs)	No comments submitted		
Wastewater			
Distance to Sewer Services	N/A		
Sewer Shed	South Black Cat Trunkshed		
Estimated Project Sewer ERU's	See Application		
WRRF Declining Balance	14.18		
Project Consistent with WW Master Plan/Facility Plan	Yes		
Comments	- Sewer is available in N. Meridian Rd. - Capacity availability will be determined when development is proposed for the property.		
Water			

Description	Details		Page
Distance to Water Services	0		
Pressure Zone	2		
Estimated Project Water ERU's	See Application		
Water Quality	No concerns		
Project Consistent with Water Master Plan	Yes		
Impacts/Concerns	No changes to public water infrastructure. Any changes to infrastructure must be approved by Public Works.		

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Doug Tamura – 1124 Santa Maria Dr, Boise, ID 83712

B. Owner:

Kobe LLC - 1124 Santa Maria Dr, Boise, ID 83712

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	8/27/2021	
Radius notification mailed to properties within 300 feet	8/25/2021	
Sign Posting	9/7/2021	
Nextdoor posting	8/26/2021	

V. STAFF ANALYSIS

A. Annexation

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 and area of rezoning is included in Section VII. To ensure the site develops consistent with the Mixed-use Community design elements and future Northern Gateway concepts, staff recommends a development agreement to guide future development of the site.

B. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

The FLUM designates the property for Mixed Use Community. 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 tend to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) 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 three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged.

The Comprehensive Plan describes components of what would be considered mixed use. Elements pertinent to this proposal include:

- *At least three types of land uses;*
- *Higher density residential development encouraged when there is a potential for an employment center;*
- *Mixed Use areas typically being developed under a master or conceptual plan; during an annexation or rezone request, a development agreement;*

- *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;*
- *Transitional uses and/or landscaped buffering between commercial and existing low- or medium-density residential development;*
- *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 being expected;*
- *Being 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; and,*
- *All mixed-use projects being accessible to adjacent neighborhoods by both vehicles and pedestrians. Pedestrian circulation should be convenient and interconnect different land use types. Vehicle connectivity should not rely on arterial streets for neighborhood access.*

In addition, the Plan discusses the following additional pertinent requirements for mixed use community:

- *Residential uses should comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre;*
- *Vertically integrated structures being encouraged;*
- *Unless a structure contains a mix of both residential and office, or residential and commercial land uses, maximum building size should be limited to a 30,000 square-foot building footprint. For community grocery stores, the maximum building size should be limited to a 60,000 square-foot building footprint;*

The applicant submitted a conceptual plan as part of this application. The Plan shows three buildings oriented to the W. Cherry Ln. / N. Meridian Rd. corner with parking in the front of the W. Cherry Lane frontages, 5 more buildings to the north along N. Meridian Rd. with parking to the back and to the side, and a Phase Two in the center which is intended for future commercial office, retail, hotel or multifamily uses.

The concept plan indicates restaurant, retail, hotel, office and multifamily family uses proposed for the site, which would be consistent with the requirement for at least three uses. Also, Phase Two does indicate a potential for a multifamily component, although there are no details provided at this time.

The applicant's narrative suggests their intent is to develop the buildings shown along N. Meridian Rd. and W. Cherry Ln. as an initial phase, with uses including a gas station with convenience store, additional retail or office, and multifamily and / or hotel uses as a second phase. The applicant proposes that before any specific use may be constructed within Phase II, a Development Agreement Modification must be approved that would include a conceptual plan for that area.

Staff does support a limited amount of commercial construction occurring in the short term at the SE corner based on the concept plan that has been provided thus far, but does have concerns allowing complete build-out along both arterials as presently shown. As the

intersection of W. Cherry Ln. and N. Meridian Rd. is intensely commercial, staff believes build-out in this immediate area could occur in the short term under the concept plan as shown and have limited impacts to the overall cohesiveness of the project. Also, because this intersection is so intensely commercial, staff believes it appropriate to have automobile-oriented uses directly at the intersection, with the buildings in this area providing a buffer for the buildings more internal to the project as well as allowing the buildings further to the north and along N. Meridian Rd. to transition to more integrated mixed use. Also, because this property would be the entrance into the Northern Gateway District, staff believes some type of entry or identity feature for this development appropriate.

Based on the concept plan submitted by the applicant, staff recommends allowing development of the three commercial buildings along the W. Cherry Ln. frontage and south of the existing access at N. Meridian Rd. as the first phase of this development. A development agreement modification and detailed concept plans that are consistent with the mixed-use community designation of the Comprehensive Plan and the Northern Gateway District would be required prior to any additional development. However, as part of the first phase, staff recommends the development agreement require the building orientation account for a gateway or entry feature at the SE corner, near the intersection as will be discussed further in the qualified open space section.

C. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

- Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences. (2.01.01)

The Plan notes an intent of mixed use is to integrate a variety of uses, including residential. Residential uses should comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre. Although the intent of this application is to annex the property into the City so it is eligible to be included into the North Gateway Plan and for development of the first three commercial buildings, the applicant has indicated a residential component on the concept plan in a future phase. Types of housing and the density would be addressed in this future phase, but because this residential would be in a mixed-use center and at a higher density, it would likely lead to diversity in housing satisfying this goal.

- Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City. (2.01.01G)

As mentioned above, although residential is not planned with this current phase, given the nature and density of housing that would occur in this mixed-use center under future development, it would likely increase diversity in housing.

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

The Destination Downton Plan indicates W. Cherry Ln. as a future transit line, and N. Meridian Rd. is a major commercial corridor. The site is located on a major commercial intersection, with a range of services including a grocery store, directly across N. Meridian Rd. to the east. There are numerous employment opportunities in this area, and it is adjacent to what is still considered the Downtown Area.

- Support redevelopment and infill opportunities Downtown. (2.09.01)

The subject parcel is an enclave parcel with all surrounding land developed and existing infrastructure available. This would be considered infill development.

- Develop concept plans of potential destination activities and promote appropriate development, infill, and redevelopment of activity centers. (2.09.03E)

This application is to annex the property into the City so Meridian Economic Development Corporation can include the property into the new Northern Gateway Plan, and to allow the applicant to construct the first three buildings. As mentioned, a development agreement modification will be required for any future phases, which will include detailed concept plans. This project is eventually intended to be an activity center.

- Require pedestrian circulation plans to ensure safety and convenient access across large commercial and mixed-use developments. (3.07.02A)

Staff is recommending a development agreement provision that will require the developer to submit a plan illustrating how pedestrian connections in the first phase area will tie to future phases of the development. A complete pedestrian circulation will be required as part of the development agreement modification for future phases.

- 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.

This project is intended to develop as a mixed-use center.

- Focus development and redevelopment intensity on key transportation corridors. (3.07.02C)

This property is located on the intersection of W. Cherry Ln. and N. Meridian Rd., both key transportation corridors, and W. Cherry Ln. is anticipated to eventually be a transit line.

D. Existing Structures/Site Improvements:

The property is presently vacant, although it is being used for horse pasture.

E. Proposed Use Analysis:

At this time, proposed uses are only conceptual. However, the Applicant's concept plan depicts multi-family residential, commercial, hotel and office/retail uses. This application is requesting C-C zoning. All the above uses are principally-permitted except for multi-family residential, which is a conditional use in the C-C zoning district per UDC Table 11-2A-2.

As mentioned in the comprehensive plan analysis above, this property is recommended for mixed use community uses, with an intent to provide community-serving uses and dwellings seamlessly integrated into the urban fabric and an integrated variety of uses. Use requirements include at least three types of land uses, higher density residential, and at least 20% residential at gross densities ranging from 6-15 unit / acre, but a mixed-use designation is not intended for high density residential development alone. Vertically integrated structures are encouraged, but unless a structure contains a mix of both residential and office, or residential and commercial land uses, maximum building size should be limited to a 30,000 square-foot building footprint unless it is a grocery store, which can have a footprint up to 60,000 sq. ft. Plazas, open spaces, gathering spaces and similar should comprise at least 5% of the developable area.

As mentioned, based on the submitted concept plan, staff is amenable to supporting development of the first three commercial buildings along the W. Cherry Ln. frontage and south of the existing access along N. Meridian Rd. in the short term but believes more detailed concept plans should be approved before further buildout can occur in order to ensure this development is representative of the type of mixed-use development illustrated by the Plan. **In addition to the other DA requirements already listed, Staff recommends a DA provision that limits building footprints to 30,000 sq. ft or 60,000 sq. ft for a grocery store unless vertically-integrated**

structures are proposed, a requirement that at least 20% of the square footage in future phases be residential, and at least 5% of the developable area being plazas, gathering places, etc. This would be in addition to any open space or amenity requirements for multifamily development.

F. Specific Use Standards (*UDC 11-4-3*):

The concept plan indicates a wide range of commercial retail, office, hotel and multifamily uses. At time of development agreement modification or Certificate of Zoning Compliance proposed development will be reviewed against the specific use standards of UDC 11-4.

G. Dimensional Standards (*UDC 11-2*):

All future lots, buildings and public streets shall be required to meet all UDC dimensional standards. This includes property sizes, required street frontages, road widths, and development consistent with the mixed-use community principles listed in the Comprehensive Plan.

H. Access (*UDC 11-3A-3, 11-3H-4*):

The property is presently served by two arterials - W. Cherry Lane and N. Meridian Rd. N. Meridian Road is improved with 5 travel lanes, curb, gutter, and 5- foot wide concrete sidewalk abutting the site. Cherry Lane is improved with 5 travel lanes, curb, gutter, and 7- foot wide attached concrete sidewalk abutting the site to the east of the existing driveway on Cherry Lane. There is 5- foot wide attached concrete sidewalk abutting the site to the west of the driveway. The concept plan shows 3 access points from N. Meridian Rd., one access from W. Cherry Ln., and a stub to the office park at 3537 Hunters Cir.

There are two existing curb-cuts providing access to the property. There is an existing 26-foot-wide driveway from N. Meridian Rd. approximately 500 feet north of Cherry Ln., and a 26-foot-wide curb cut driveway providing access from Cherry Ln. approximately 300 feet west of N. Meridian Rd. ACHD has responded that if a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. Cherry Ln. is a principal arterial and ACHD policy typically prohibits access from a principal arterial if access from a lesser classified street (N. Meridian Rd.) is available. ACHD has noted the existing access on Cherry Lane is not guaranteed to be allowed by ACHD as part of a future development application. If access is requested on Cherry Lane, an access analysis may be required to be submitted to ACHD for review prior to the submittal of the development application which may include a waiver. Staff notes the concept plan indicates the southern access being moved to the west, which would unlikely be supported due to spacing requirements with NW 3d St.

ACHD has responded a TIS will likely be required for this project. As the purpose of this present application is very preliminary at this time, staff will await conditioning the access points until such time that future development applications and a TIS are submitted. However, staff does have concerns with the three access points along N. Meridian Rd., whether ACHD would approve two additional accesses, and whether spacing for the northern access is adequate from W. Willowbrook Dr. (as well as shifting the existing access along W. Cherry Rd. to the west). Finally, future development in the area should also provide access to the west in accord with UDC 11-3A-3. NOTE: City Council has the ability to grant the proposed access points to the abutting arterials, however staff does recommend future decision should be deferred until ACHD has determined the appropriate access to this property, confirmed through a reviewed and approved traffic study.

Internal circulation should be consistent with the mixed-use goals of providing wider sidewalks, street trees, complete streets and providing accessible pedestrian connectivity. Also, the Destination Downtown Plan anticipates a future transit line along W. Cherry Ln. This should be

considered in future circulation and multi-modal plans. At time of Certificate of Zoning Compliance for the three buildings as recommended by staff, or during time of the development agreement modification for development of the remainder of the property, additional analysis will be required, and may require a TIS at a later date. **Staff is recommending a DA provision that the required DA mod for future development include a circulation plan that addresses future access points, internal and external automobile circulation, transit connectivity and locations of possible transit shelters, and multi-modal “complete street” design including pedestrian circulation plan consistent with mixed use development goals.**

I. Parking (*UDC 11-3C*):

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-5 for all uses other than single-family detached dwellings. Included in these standards are those for commercial and retail, office, and restaurant uses.

The Plan does encourage vertically-integrated mixed-use buildings. The concept plan does not indicate these types of buildings at this time. However, as already mentioned, staff recommends only allowing development of the three commercial buildings along the W. Cherry Ln. frontage and south of the existing N. Meridian Rd. access for the first phase. If vertically integrated buildings are proposed, there are specific parking requirements per UDC 11-3C-6. Future planning land use applications will determine the required number of parking spaces for all uses.

J. Pathways (*UDC 11-3A-8*):

No multi-use pathways are proposed or required with this development. However, one of the main goals of a mixed-use designation is wider sidewalks, outdoor furniture, and safe non-motorized access and connectivity. **Staff is recommending a DA provision that prior to any development on the site, the applicant provide a plan illustrating how pedestrian connections in the first phase area will tie to future phases of the development.** A more comprehensive circulation plan will be required with future DA modifications so staff can analyze pedestrian circulation on the site once end-users are known for the proposed development.

K. Sidewalks (*UDC 11-3A-17*):

Sidewalks are already existing along the W. Cherry Ln. and N. Meridian Rd. frontages. Future development projects on this site will be analyzed for compliance with the required sidewalk widths and locations.

L. Parkways (*UDC 11-3A-17*):

No parkways are shown with the first conceptual plan, but any parkways associated with future development shall meet the requirements of UDC 11-3A-17.

M. Landscaping (*UDC 11-3B*):

A 25-foot wide landscape buffer is required adjacent to both W. Cherry Ln. and N. Meridian Rd., landscaped per the standards listed in UDC 11-3B-7C. Internal parking lot landscaping will be required per UDC 11-3B-8, and a residential landscape buffer will be required along the western and northern property lines which abut existing residential zone districts. **To ensure consistent and cohesive installation of landscape buffers, staff recommends a development agreement requirement that prior to any development of the site, a 25' wide landscape buffer shall be installed along the W. Cherry Ln. and N. Meridian Rd. frontages. This will require coordination with ACHD and the City regarding approved points of access. For any development beyond the first phase, staff recommends the applicant submit an open space plan that includes common useable areas, amenities, outdoor gathering places and plazas,**

green spaces, and landscape buffering and transitioning between uses consistent with the objectives of the Mixed-Use Community designation.

N. Qualified Open Space (*UDC 11-3G*):

The Applicant has requested C-C zoning and has stated their intention of developing a mix of uses including retail commercial, office, restaurant, hotel and multifamily uses. In the C-C zone, multi-family residential is a conditional use and qualified open space will be required based on the square footages of units per the specific use standards in UDC 11-4-3-27 (the requirement for open space to be provided under both sections of code is currently under review by staff and the Open Space Committee; therefore, this statement may not be entirely accurate and the Applicant may have different standards that are required upon submittal of future land use applications).

As mentioned, plazas, open spaces, gathering spaces and similar elements are mentioned in the Mixed-Use Community policies. The Plan also mentions establishing distinct, engaging identities within commercial and mixed-use centers through design standards. Development of future phases will require a complete open space and circulation plan that addresses interior building orientation, common useable areas, outdoor gathering places and plazas throughout the development. **Staff recommends future development agreement modifications include a requirement for a prominent gateway and / or entry feature to announce the corner at the SE portion of the site. The applicant should coordinate with the City and MDC on this feature.**

O. Qualified Site Amenities (*UDC 11-3G*):

As mentioned throughout this report, staff is recommending an entry feature or element at the southeast portion of the site, with open space, amenity and multimodal circulation plan required for future phases. Future multifamily development will require additional amenities as outlined in UDC 11-4-3-27.

P. Waterways (*UDC 11-3A-6*):

The Settlers Canal bisects the property east – west in approximately the center of the property. The canal will be required to be piped or designed as an amenity as required by UDC 11-3A-6.

Q. Utilities (*UDC 11-3A-2I*):

Public services are available to accommodate the proposed development. All water and sewer is available in N. Meridian Rd.

R. Building Elevations (*UDC 11-3A-19 | Architectural Standards Manual*):

No building elevations were submitted with this application. As stated above, staff is only supporting the development of the first three buildings directly at the southeast portion of this site with this application. These buildings will be required to meet minimum architectural standards as required in the Architectural Standards Manual (ASM). However, the purpose of the mixed-use designation is to promote compatible land uses within a close geographic area to create sense of place with innovative and flexible design encouraged. Architectural design principles of mixed-use developments include a cohesive design theme, pedestrian oriented features such as increased ground floor transparency (windows), awnings, porches or other overhangs, pedestrian lighting, building relationship in regard to scale, massing and orientation, façade differentiation, and 360-degree architecture. **To ensure consistency as the development builds-out, Staff is recommending a DA provision that requires buildings to incorporate cohesiveness in design. Conceptual building elevations will be required with the development agreement modification required for future phases.**

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement and the provisions noted in Section VII.A per the findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard this item on September 16, 2021. At the public hearing, the Commission moved to recommend approval of the subject annexation request.

1. Summary of the Commission public hearing:

- a. In favor: Doug Tamura
- b. In opposition: None
- c. Commenting: Doug Tamura
- d. Written testimony: None
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Earl Rice, representing Church of God directly adjacent to property, voiced concerns with potential traffic, potential height of buildings, and potential uses that could go there.

3. Key issue(s) of discussion by Commission:

- a. None

4. Commission change(s) to Staff recommendation:

- a. None

C. The Meridian City Council heard this item on October 12, 2021. At the public hearing, the Council moved to approve the subject annexation and zoning requests.

1. Summary of the City Council public hearing:

- a. In favor: Doug Tamura
- b. In opposition: None
- c. Commenting: Doug Tamura
- d. Written testimony: Ashley Ford-Squyres with Meridian Development Corporation testified in favor of the application.
- e. Staff presenting application: Alan Tiefenbach
- 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. Council discussed concerns regarding allowing the first three buildings without a comprehensive concept plan, whether amenities and open space had been considered, whether a taller hotel had been considered on the corner, could the entire project be master-planned, whether the applicant has been working with Meridian Development Corporation, and if staff had considered the transit corridors that were designated in the area.

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

- a. City Council continued the case to October 26, 2021 for staff and the applicant to prepare findings and a development agreement that allowed annexation and zoning to C-C.
- b. Council conditioned the approval that prior to any development or building permit the applicant would submit a development agreement modification that included a

comprehensive concept plan(s) that addressed all of the issues discussed including land use, motorized and non-motorized circulation, transit corridors, building size and placement, open space and amenities, architecture, the recommendations of the Meridian Development Corporation and other pertinent planning documents, and is consistent with the principles of Mixed Use Community as described in the Comprehensive Plan.

VII. EXHIBITS

A. Annexation and Zoning Legal Descriptions

ELS ENGBRITSON LAND SURVEYS, PLLC.

2251 S. Sumac Street, Boise, Idaho 83706

Telephone (208) 859-6032 mike@elsurveys.com

28 June 2021

ELS Project No. 210603

Land Description

Rezone Phase 1 to CC

Contains 343,531 square feet or 7.89 acres more or less

EXHIBIT A

A portion of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a found brass cap monument marking the SE corner of said Section 1 at the center line intersection of West Cherry Lane and North Meridian Road, from which a found aluminum cap monument marking the E $\frac{1}{4}$ corner of said Section bears N 00°18'02" E a distance of 2848.32 feet; thence along said line N 00°18'02" E a distance of 1324.35 feet to a found aluminum cap monument marking the NE corner of said East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the S $\frac{1}{16}$ corner; thence westerly along the north line of said East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, N 89°27'32" W a distance of 48.00 feet to a found steel pin on the westerly rights-of-way line of said North Meridian Road the POINT OF BEGINNING.

Thence southerly along said rights-of-way line the following six (6) courses:

S 00°18'02" W a distance of 99.28 feet to a found steel pin;

S 02°24'02" W a distance of 600.40 feet to a found steel pin;

S 00°18'02" W a distance of 213.66 feet to a found steel pin;

S 11°59'57" W a distance of 31.62 feet to a found steel pin;

S 00°36'00" E a distance of 307.44 feet to a found steel pin;

S 44°07'37" W a distance of 33.30 feet to a found steel pin on the northerly rights-of-way line of West Cherry Lane;

Thence along said northerly rights-of-way line the following two (2) courses;

S 86°43'49" W a distance of 87.39 feet to a found steel pin;

N 89°27'04" W a distance of 493.45 feet parallel to and 43.00' northerly of the south line of said Section 1 to a found steel pin on the west line of said East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$;

Thence along said west line N 00°33'34" E a distance of 287.46 feet to a point;

Thence leaving said line, S 88°30'30" E a distance of 423.59 feet to a point;

Thence N 02°00'39" E a distance of 1001.14 feet to a point on the north line of said East $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$;

Thence easterly along said line S 89°27'32" E a distance of 172.63 feet to the POINT OF BEGINNING.

The above-described tract of land contains 7.89 acres more or less subject to all existing easements and rights-of-way.

See Exhibit B attached hereto and made part of.

K:\ELSI\Projects\2021\210603\Admin\Legals\210603 CC Zone Description Ph 1 081921.doc



ELS ENGBRITSON LAND SURVEYS, PLLC.

2251 S. Sumac Street, Boise, Idaho 83706

Telephone (208) 859-6032 mike@elsurveys.com

28 June 2021

ELS Project No. 210603

Land Description

Rezone Phase 2 to CC

Contains 435,083 square feet or 9.99 acres more or less

EXHIBIT A

A portion of the East ½ of the SE ¼ of the SE ¼ of Section 1, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, described as follows:

Commencing at a found brass cap monument marking the SE corner of said Section 1 at the center line intersection of West Cherry Lane and North Meridian Road, from which a found aluminum cap monument marking the E ¼ corner of said Section bears N 00°18'02" E a distance of 2648.32 feet; thence along said line N 00°18'02" E a distance of 1324.35 feet to a found aluminum cap monument marking the NE corner of said East ½ of the SE ¼ of the SE ¼, the S 1/16th corner; thence westerly along the north line of said East ½ of the SE ¼ of the SE ¼, N 89°27'32" W a distance of 48.00 feet to a found steel pin on the westerly rights-of-way line of said North Meridian Road; thence continuing along said north line, N 89°27'32" W a distance of 172.63 feet to the POINT OF BEGINNING.

Thence leaving said line S 02°00'39" W a distance of 1001.14 feet to a point;

Thence N 88°30'30" W a distance of 423.59 feet to a point on the west line of said East ½ of the SE ¼ of the SE ¼,

Thence northerly along said west line, N 00°33'34" E a distance of 993.79 feet to a found steel pin monument marking the NW corner of said East ½ of the SE ¼ of the SE ¼;

Thence easterly along the north line of said East ½ of the SE ¼ of the SE ¼, S 89°27'32" E a distance of 448.90 feet to the POINT OF BEGINNING.

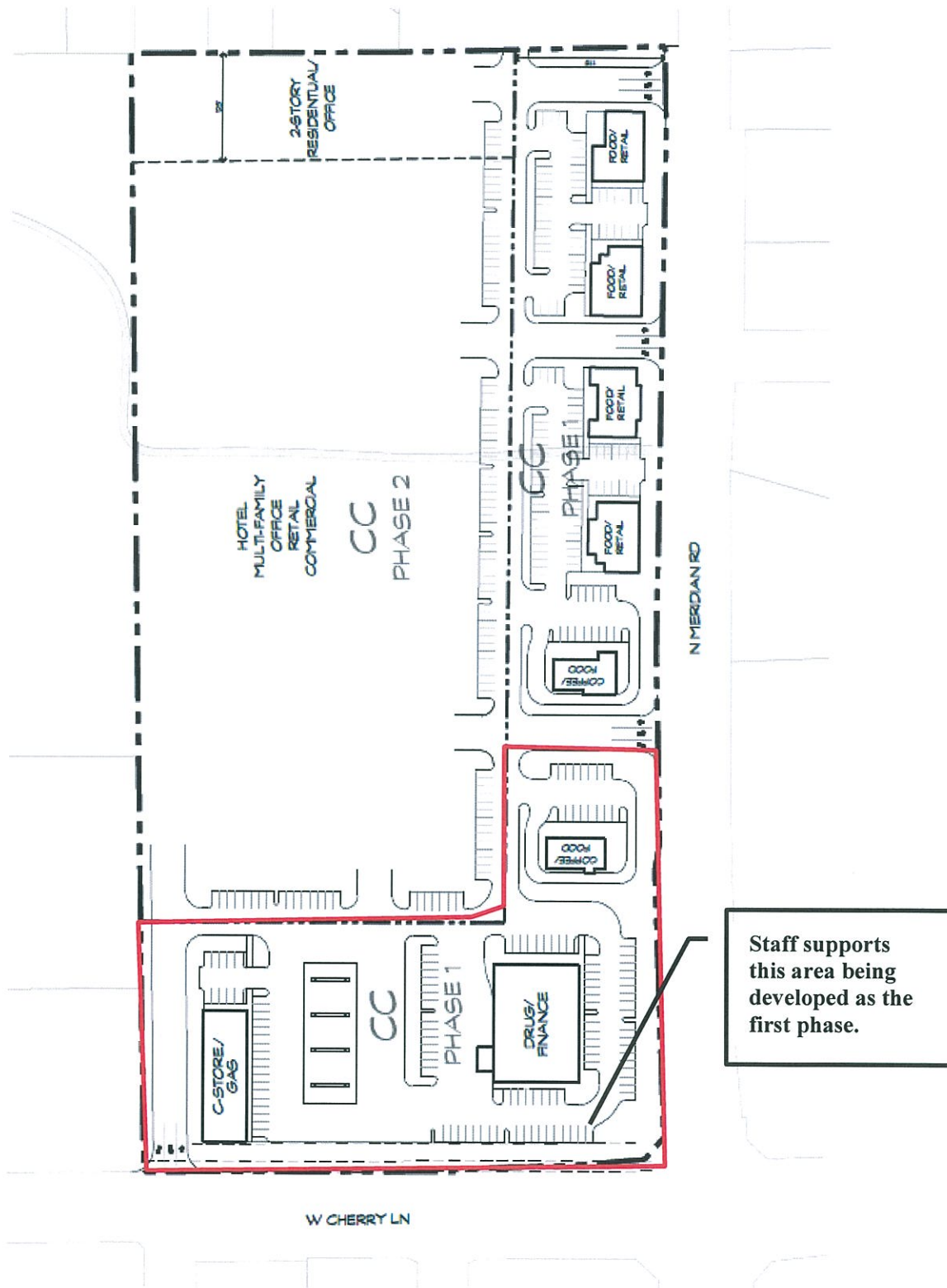
The above-described tract of land contains 9.99 acres more or less subject to all existing easements and rights-of-way.

See Exhibit B attached hereto and made part of.



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B. Site Plan (date: 8/20/2021) (NOT APPROVED)



VIII. 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. Prior to development or building permit, the applicant shall submit a development agreement modification that includes a comprehensive concept plan(s) that addresses all of the issues discussed including land use, landscaping, motorized and non-motorized circulation, transit corridors, building size and placement, entry features, open space and amenities, architecture, the recommendations of the Meridian Development Corporation and other pertinent planning documents, and is consistent with the principles of Mixed Use Community as described in the Comprehensive Plan.
- ~~b. With first phase of development, the applicant may develop up to three (3) commercial buildings along the W. Cherry Ln. frontage and south of the existing access at N. Meridian Rd. as indicated on the attached concept plan with the following additional requirements:~~
 - ~~1. The applicant shall submit a plan illustrating how pedestrian connections in the first phase area will tie to future phases of the development with the first certificate of zoning compliance application.~~
 - ~~2. The applicant shall coordinate with the City and MDC on the design of an entry feature at the SE corner, near the intersection with the first certificate of zoning compliance.~~
 - ~~3. The developer shall install 25' wide landscape buffers along W. Cherry Ln. and N. Meridian Rd. in accordance with UDC 11-3B-7.~~
- ~~b. With any other phase of future development, the developer shall submit for a development agreement modification. At a minimum, the DA modification shall address the following provisions:~~
 - ~~1. A detailed concept plan that includes the following:~~
 - ~~a. General layout and configuration of buildings for the remainder of the site. Layout of buildings shall consider the principles of mixed use community, including arrangement to create some form of common, usable area, such as a plaza or green space, orientation of buildings to streetscapes to create pedestrian interest and enclosure of space, walkability and 360-degree design.~~
 - ~~b. A circulation plan for public and private streets including street cross sections that addresses future access points, internal and external automobile circulation, pedestrian circulation, transit connectivity and locations of possible transit shelters if future transit is projected in this area, and multi-~~

~~modal “complete street” design including pedestrian connectivity consistent with mixed-use development goals.~~

- ~~c. Open space and amenity plan reflecting common useable areas, amenities, outdoor gathering places and plazas, green spaces, and landscape buffering and transitioning between uses consistent with the objectives of the Mixed-Use Community designation. At least 5% of the total developable area shall be plazas, gathering places, etc. This would be in addition to any open space or amenity requirements for multifamily development.~~
- ~~d. Conceptual building elevations indicating cohesiveness in building design, pedestrian and street-oriented features, and 360-degree architecture.~~
- ~~c. Future development of the site shall comply with design concepts established for the new Northern Gateway District.~~
- ~~2. Building footprints shall be limited to 30,000 sq. ft or 60,000 sq. ft for a grocery store unless vertically integrated structures are proposed.~~
- ~~3. The development shall contain at least three types of land uses, which could include vertically integrated buildings as one of the uses.~~
- ~~4. Residential uses shall comprise a minimum of 20% of the development area at gross densities ranging from 6 to 15 units/acre. Other residential densities may be considered with a future development agreement modification.~~
- 5. The applicant shall comply with all provisions of 11-3A-3 with regard to access to streets. Access and the proposed street network shall be reviewed and approved by ACHD.

B. PUBLIC WORKS GENERAL CONDITONS

- 1. 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 Specifications.
- 2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian’s standard forms. The easement shall be graphically depicted on the plat for reference purposes. 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. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.

4. 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.
5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standard 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 records of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded prior to applying for building permits.
10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
12. 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.
13. 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.
14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
15. Developer shall coordinate mailbox locations with the Meridian Post Office.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
22. 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.

IX. 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;

Council finds the annexation and proposed zoning map amendment to the C-C would be consistent with the Comprehensive Plan if all provisions of a Development Agreement are complied with.

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

Council finds the proposed zoning map amendment will allow for the development of multiple types of residential and commercial uses. This will contribute to the range of housing

opportunities and goods and services available within the City and more employment opportunities in the Downtown Area, consistent with the Comprehensive Plan and the purpose statement of the Mixed-Use Community designation.

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

As long as Commission's recommended conditions of approval are followed, Council would find this annexation and zoning should not be detrimental to the public health, safety and welfare.

- 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**

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

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

The subject property is a 17.88-acre enclave property on an intensely commercial intersection surrounded on all sides by existing development. Additionally, the new Northern Gateway Urban Renewal Plan is being developed with this property. As long as the property develops consistent with the Mixed-Use Community principles as discussed above and Commission's recommended conditions of approval are followed, Council finds this annexation would be in the best interest of the City.