

DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
 2. **Endurance Holdings, LLC, Owner**
 3. **Challenger Development, Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this _____ day of _____, 2025, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642; and **Endurance Holdings, LLC**, whose address is 1977 E. Overland Rd., Meridian, ID 83642, hereinafter called OWNER; and **Challenger Development**, whose address is 1977 E. Overland Rd., Meridian, ID 83642, hereinafter called DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A”, which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer have submitted an application for annexation and zoning of 33.89 acres of land with a request for the M-E (Mixed Employment) zoning district on the property as shown in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested rezoning held before Planning and Zoning Commission and the City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 28th day of May, 2024, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation is in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.
- 1.11 **WHEREAS**, pursuant to the Double-Silo Provision, on January 21, 2025, City and Owner/Developer entered into that certain Agreement for Disassembly, Transport, and Ownership of Historic Double-Silo Barn Components concerning the double-silo barn; and
- 1.12 **WHEREAS**, City subsequently received an inquiry of interest from Victory Greens expressing a desire to obtain ownership, reassemble, and maintain the double-silo barn on Victory Greens’ property; and
- 1.13 **WHEREAS**, City and Owner/Developer were collectively amenable to Victory Greens’ proposal and, on May 20, 2025, executed that certain Mutual Termination Agreement to the Agreement for Disassembly, Transport, and Ownership of Historic Double-Silo Barn Components; and
- 1.14 **WHEREAS**, based on the foregoing, City and Owner/Developer deem it unnecessary to include the Double-Silo Provision in this Agreement.

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

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

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

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER:** means and refers to **Endurance Holdings, LLC**, whose address is 1977 E. Overland Rd., Meridian, ID 83642, hereinafter called OWNER, the party that owns said Property and shall include any subsequent owner(s) of the Property.
- 3.3 **DEVELOPER:** means and refers to **Challenger Development**, whose address is 1977 E. Overland Rd., Meridian, ID 83642, hereinafter called DEVELOPER, the party that is developing said Property and shall include any subsequent developer(s) of the Property.
- 3.4 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit "A" describing a parcel to bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

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

- 4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

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

- 5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:
 - a. Development of the subject property shall be generally consistent with the site plan, landscape plan, preliminary plat, phasing plan, and conceptual building elevations included in "City/Agency Comments & Conditions" section of the Staff Report attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit "B" and the provisions contained herein.
 - b. All future development, site design and building design shall comply with the Design Elements matrix on pp. 3-49 in the Ten Mile Interchange Specific Area Plan (TMISAP) and the standards in the Architectural Standards Manual, as applicable.
 - c. The collector street (Vanguard Way) shall be constructed prior to development commencing on the property. The applicant may deed the right-of-way to ACHD prior to the submittal of the first phase of a final plat.
 - d. Sidewalks, walkways and pathways shall include dedicated crosswalks at the intersection with all streets of S. Black Cat Road with changes in color, markings,

materials, texture and/or surface to distinguish them from the surrounding pavement as set forth in the TMISAP (see pp. 3-28, Crosswalks).

- e. Public art in a high quality of design shall be provided in shared spaces and incorporated into the design of streetscapes as set forth in the TMISAP (see pp. 3-47). *The proposed monument of the historic silo will satisfy this requirement.*
- f. The subject property shall be subdivided prior to submittal of any Certificate of Zoning Compliance application(s) and/or building permit application.

6. **APPROVAL PERIOD:** If this Agreement has not been fully executed within six (6) months after the date of the Findings, the City may, at its sole discretion, declare the Agreement null and void.

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

- 7.1 **Acts of Default.** In the event Owner/Developer, or Owner/Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.
- 7.2 **Notice and Cure Period.** In the event of Owner/Developer's default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.
- 7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.
- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.

7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

7.6 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. **REMOVED PROPERTY:** The City is hereby authorized, in its sole discretion, to remove a portion of the Property ("Removed Property") from this Agreement at any time, provided that the City and the owner of the Removed Property concurrently enter into a modified development agreement governing the development and use of the Removed Property. The remaining portion of the Property, which has not been removed from this Agreement as described above, shall continue to be bound by the terms of this Agreement.

21. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

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

22.1 No condition governing the uses and/or conditions governing rezoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

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

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

ACKNOWLEDGMENTS

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

**OWNER:
Endurance Holdings, LLC**

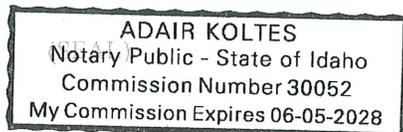


By: _____

STATE OF IDAHO)
 : ss:
County of Ada)

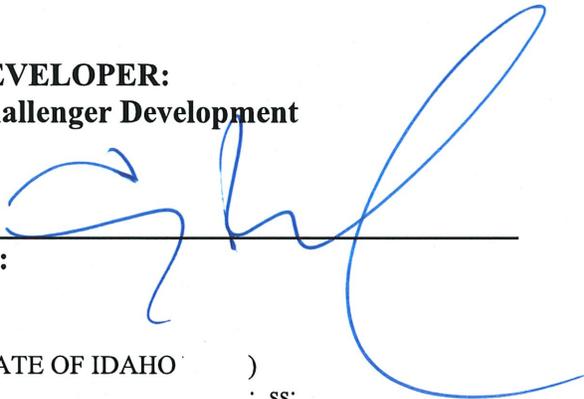
On this 8th day of May, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the Member of **Endurance Holdings, LLC** and the person who signed above and acknowledged to me that he executed the same.

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



Adair Koltés
Notary Public
My Commission Expires: 6-05-2028

**DEVELOPER:
Challenger Development**



By: _____

STATE OF IDAHO)
 : ss:
County of Ada)

On this 8th day of May, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Corey Barton, known or identified to me to be the President of **Challenger Development** and the person who signed above and acknowledged to me that he executed the same.

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



Adair Koltés
Notary Public
My Commission Expires: 6-05-2028

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss
County of Ada)

On this ____ day of _____, 2025, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

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

(SEAL)

Notary Public for Idaho
My Commission Expires: _____

EXHIBIT A

Description for
Annexation
Farmstone Crossing Subdivision
August 29, 2023

A portion of the Northwest 1/4 of the Southwest 1/4 of Section 15, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho more particularly described as follows:

BEGINNING at the 1/4 corner common to said Sections 15 and 16, T.3N., R.1W., B.M., from which the Section corner common to Sections 15, 16, 21 and 22 T.3N., R.1W., B.M., bears South 00°43'07" West, 2,656.14 feet;

thence South 89°14'43" East, 1,322.85 feet to the Center-West 1/16 corner of said Section 15;

thence on the east line of the Northwest 1/4 of the Southwest 1/4 of said Section 15, South 00°39'26" West, 1,216.87 feet to the centerline of U.S. Interstate 84;

thence on said centerline, North 80°32'51" West, 1,339.69 feet to the west section line of said Section 15;

thence on said west section line, North 00°43'07" East, 1,014.28 feet to the **POINT OF BEGINNING**.

Containing 33.893 acres, more or less.

End of Description.



Point of Beginning

1/4

S89°14'43"E 1322.85'

CW 1/16

S.16

S.15

±33.893 Acres

N00°43'07"E 1014.28'

S. Black Cat Rd.

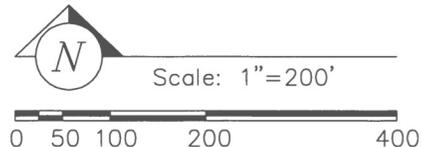
S00°39'26"W 1216.87'

Basis of Bearings
S00°43'07"W 2656.14'

N80°32'51"W 1339.69'
U.S. I-84

1641.86'

S.16 S.15
S.21 S.22



P:\Farmstone Crossing (820 Black Cat) 22-074\dwg\Annex Ex.dwg 8/29/2023 10:37:37 AM

 IDAHO SURVEY GROUP, LLC	9955 W. EMERALD ST. BOISE, IDAHO 83704 (208) 846-8570
	Exhibit Drawing for Annexation Farmstone Crossing Subdivision A portion of the NW1/4 of the SW1/4 of Section 15, T.3N., R.1W., B.M., Ada County, Idaho.

Job No. XX-XXX Sheet No. 1 Dwg. Date 8/29/2023
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EXHIBIT B

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



In the Matter of the Request for Annexation of 33.89 acres of land from RUT to M-E (Mixed Employment) zoning district and Preliminary Plat consisting of 6 building lots and 1 common lot on 27.47 acres of land in the M-E zoning district, by Bailey Engineering.

Case No(s). H-2023-0045

For the City Council Hearing Date of: May 7, 2024 (Findings on May 28, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of May 7, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of May 7, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of May 7, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of May 7, 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 May 7, 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 annexation and preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of May 7, 2024, 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. 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 May 7, 2024

By action of the City Council at its regular meeting held on the 28th day of May, 2024.

COUNCIL PRESIDENT LUKE CAVENER

VOTED AYE

COUNCIL VICE PRESIDENT LIZ STRADER

VOTED AYE

COUNCIL MEMBER DOUG TAYLOR

VOTED AYE

COUNCIL MEMBER JOHN OVERTON

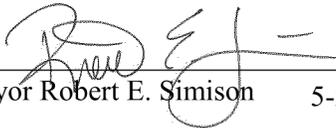
VOTED AYE

COUNCIL MEMBER ANNE LITTLE ROBERTS

VOTED AYE

MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison 5-28-2024

Attest:



Chris Johnson 5-28-2024
City Clerk



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

By: 

City Clerk's Office

Dated: 5-28-2024

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



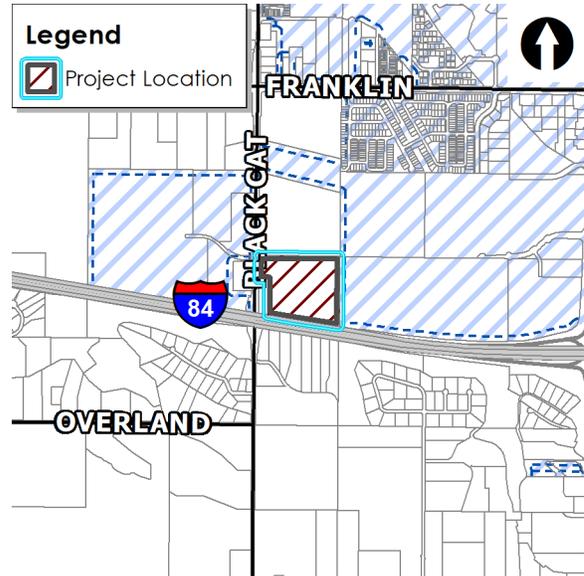
HEARING DATE: ~~March 26, 2024~~ Continued to
 May 7, 2024

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
 208-884-5533

SUBJECT: Farmstone Crossing Subdivision AZ,
 PP
[H-2023-0045](#)

LOCATION: 820 S. Black Cat Road in the Northwest
 ¼ of the Southwest ¼ of Section 15,
 T.3N. R.1W.



I. PROJECT DESCRIPTION

The Applicant has submitted an application for the following:

- Annexation of 33.89 acres of land from RUT to the M-E (Mixed Employment) zoning district.
- Preliminary Plat consisting of 6 building lots and 1 common lot on 27.47-acres of land in the M-E zoning district for Farmstone Crossing Subdivision.

NOTE: This project has undergone multiple continuances to allow more time for the plans to be modified. The staff report and conditions of approval have been updated accordingly to reflect the most recent changes.

II. SUMMARY OF REPORT

a. Project Summary

Description	Details	Page
Acreage	33.89 acres overall	
Existing/Proposed Zoning	RUT in Ada County; M-E (Mixed Employment)	
Future Land Use Designation	Mixed Employment (ME)	
Existing Land Use(s)	Vacant/agricultural land	
Proposed Land Use(s)	light industrial, commercial/office, research and development, and other uses.	
Lots (# and type; bldg./common)	5 buildable lots and 1 common lot	
Phasing Plan (# of phases)	2 phases (plat)	
Number of Residential Units (type of units)	NA	
Physical Features (waterways, hazards, flood plain, hillside)	None	

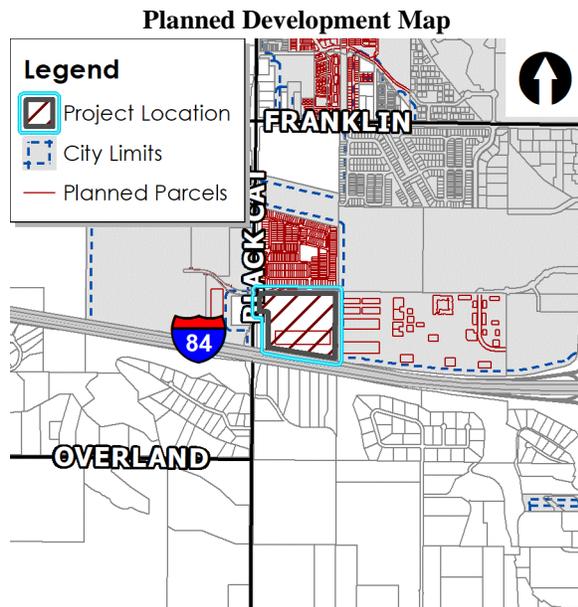
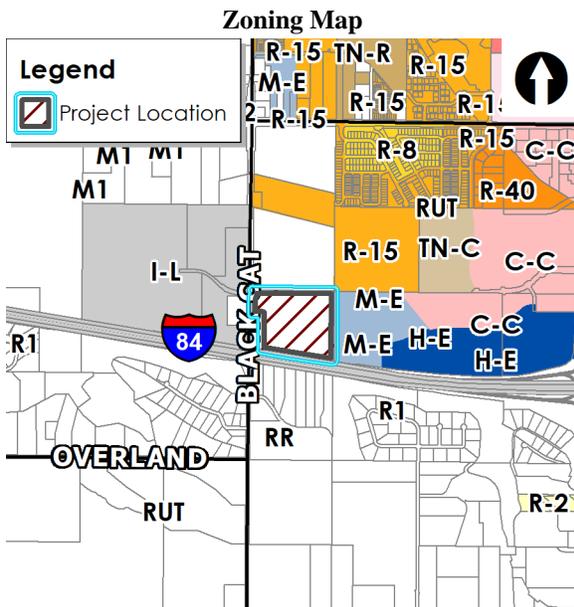
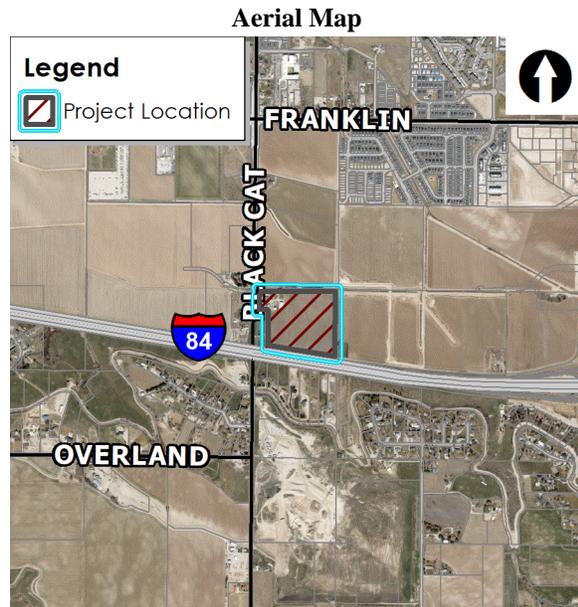
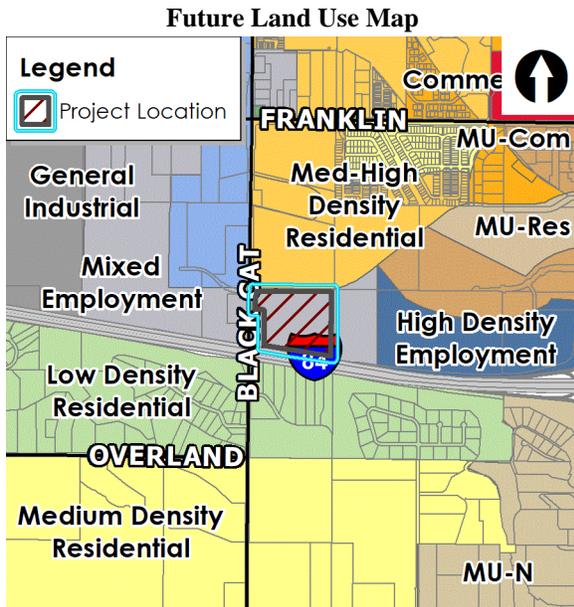
Description	Details	Page
Neighborhood meeting date; # of attendees:	7/06/2023	
History (previous approvals)	None	

b. Community Metrics

Description	Details	Pg.															
Ada County Highway District																	
<ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p> <p>No. A Traffic Impact Study (TIS) was submitted.</p>																
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed from the new collector road (Vanguard Way) that connects to Black Cat Road (arterial road). Vanguard Way will be constructed prior to development commencing on the property.																
Traffic Level of Service	<p>Condition of Area Roadways Traffic Count is based on Vehicles per hour (vph)</p> <table border="1"> <thead> <tr> <th>Roadway</th> <th>Frontage</th> <th>Functional Classification</th> <th>PM Peak Hour Traffic Count</th> <th>PM Peak Hour Level of Service</th> </tr> </thead> <tbody> <tr> <td>Franklin Road</td> <td>None</td> <td>Principal Arterial</td> <td>565</td> <td>Better than "E"</td> </tr> <tr> <td>Black Cat Road</td> <td>396-feet</td> <td>Minor Arterial</td> <td>544</td> <td>Better than "E"</td> </tr> </tbody> </table> <p>* Acceptable level of service for a five-lane principal arterial is "E" (1,780 vph). * Acceptable level of service for a two-lane minor arterial is "E" (575 vph).</p>	Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Franklin Road	None	Principal Arterial	565	Better than "E"	Black Cat Road	396-feet	Minor Arterial	544	Better than "E"	
Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service													
Franklin Road	None	Principal Arterial	565	Better than "E"													
Black Cat Road	396-feet	Minor Arterial	544	Better than "E"													
Stub Street/Interconnectivity/Cross Access	Cross access with BVA's development to the east																
Existing Road Network	Black Cat Road & Franklin Road																
Existing Arterial Sidewalks / Buffers	None																
Proposed Road Improvements	<p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> Franklin Road is scheduled in the IFYWP to be widened to 5-lanes from McDermott Road to Black Cat Road with the design year in 2026 and the construction date has not been determined. The intersection of Franklin Road and McDermott Road is scheduled in the IFYWP to be reconstructed as a single-lane expandable roundabout. There is no design year or construction year, and this project requires coordination with the Nampa Highway District. Black Cat Road is listed in the CIP to be widened to 5-lanes from Franklin Road to Overland Road between 2036 and 2040. Funding for ITD's portion is not included with this project. 																
Fire Service																	
<ul style="list-style-type: none"> Distance to Fire Station Fire Response Time 	<p>2 miles</p> <p>This project currently falls on an area where we don't have a total response times that meet NFPA 1710 standards or current City of Meridian adopted standards. The first due station is Fire Station 2. This fire station is approximately 3.5 miles from the project.</p>																
<ul style="list-style-type: none"> Resource Reliability Risk Identification 	<p>82% - does meet the target goal of 80% or greater</p> <p>3 – current resources would <i>not</i> be adequate to supply service to this project. Risk factors include fire fighting in large commercial warehouses. This entails a great risk for the occupants as well as fire responders.</p>																
<ul style="list-style-type: none"> Accessibility Special/resource needs 	<p>Project meets all required access, road widths and turnaround.</p> <p>In the event of a hazmat event, there will need to be mutual aid required for the development. In the event of a structure fire an additional truck company will be required, This will require additional time delays as a second truck company may not be available in the City.</p>																

Description	Details	Pg.
<ul style="list-style-type: none"> Water Supply 	Water supply for this proposed development required 4750 gallons per minute for two hours.	
<ul style="list-style-type: none"> Other Resources 		
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 		
<ul style="list-style-type: none"> Sewer Shed 		
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 		
<ul style="list-style-type: none"> WRRF Declining Balance 		
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 		
<ul style="list-style-type: none"> Impacts/concerns 	<ul style="list-style-type: none"> Flow is committed See Public Works Site Specific Conditions in Section VII.B 	
Water		
<ul style="list-style-type: none"> Distance to Water Services 	Water available on-site	
<ul style="list-style-type: none"> Pressure Zone 	2	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> Water Quality Concerns 	None	
<ul style="list-style-type: none"> Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> If a well is located on the site it must be abandoned per regulatory requirements and proof of abandonment must be provided to the City. Each phase of the development will need to be modeled to verify minimum fire flow pressure is maintained. 12" water main in Vanguard needs to be on the north side of the road, currently shown in the center of the road. See Public Works Site Specific Conditions in Section VIII.B 	

c. Project Area Maps



A. Applicant:

Judy Schmidt, Bailey Engineering – 1119 E. State Street, Suite 210, Eagle, ID 83616

B. Owners:

Corey Barton, Endurance Holdings, LLC – 1977 E. Overland Road, Meridian, ID 83642

C. Representative: Shawn Brownlee, Trilogy Development – 9839 W. Cable Car Street, Suite 101, Boise, ID 83709

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	10/17/2023	3/10/2024
Notification mailed to property owners within 500 feet	10/14/2023	3/1/2024
Applicant posted public hearing notice on site	10/20/2023	3/12/2024
Nextdoor posting	10/16/2023	3/1/2024

IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#) and [Ten Mile Interchange Specific Area Plan](#))

Land Use: The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the 20.5+/- acres as Mixed Employment (ME).

ME: The purpose of ME designated areas is to encourage a diversity of compatible land uses that may include a mixture of office, research and specialized employment areas, light industrial including manufacturing and assembly, and other miscellaneous uses. These areas generally do not include retail and consumer service uses serving the wider community. However, a small amount of retail and service establishments, primarily serving employees and users of the ME areas or nearby industrial areas, are allowed. ME areas should provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises. ME areas should be designed to encourage multimodal travel and convenient circulation to supporting uses located within the area.

This ME-designated area is intended to develop with a mix of uses, across six (6) structures totaling 378,360 s.f., which may include office, light industrial, along with research and development and/or distribution and light manufacturing. Buildings will range in size from 21,280 up to 185,760 square feet. The project is adjacent to Mixed Employment designated land on the east, light industrial to the west, I-84 to the south, and RUT to the north proposed to be annexed as medium-high density residential. This site will have access to a collector street as desired. The proposed M-E zoning encompasses the entire 27.466 acres that is currently designated ME on the FLUM - *See Pg. 3-11 in the TMISAP for more information on the ME designation (see cut sheet below).*

MIXED EMPLOYMENT (ME)

TEN MILE SPECIFIC PLAN LAND USE MAP DESIGNATIONS

General Information

Map Color

Zoning C-C | C-G | TN-C | M-E

Sample Use(s) Office, research & development, information & light industrial, daycare, and ancillary convenience retail

- General Standards**
- Recommended FAR: 0.75 or more
 - Height: 4 stories maximum
 - Design Review required; see Architectural Standards Manual
 - Comply with Pathways Master Plan

- Design Characteristics**
- Relate proposed development, including land uses and activities, to adjacent and surrounding uses and public spaces as appropriate to maintain compatibility and establish the continuity of the planned urban form and character.
 - Coordinate routes, placement of facilities, and infrastructure improvements with the appropriate transportation authorities and any adopted or accepted long-range plans.
 - Locate buildings to establish an appropriate development character that enhances the compatibility and attractiveness of the site, buildings, and surrounding uses.
 - Design surface parking as an integrated and attractive element of the built environment that promotes pedestrian comfort and safety and adds to the aesthetic character of developments, in addition to accommodating vehicular uses.
 - Use a parking strategy that includes one or a combination of the following: structured parking, onstreet parking, integrated small parking areas, and/ or shared parking as an alternative to general surface parking.
 - Building design should enhance public and urban spaces, articulate an urban form, and provide human and pedestrian scale.

Site Pattern



Note: This information is a summary of the Ten Mile Interchange Specific Area Plan and City of Meridian Comprehensive Plan Please see those documents for complete information.

• Questions? Contact the Planning Division at 33 E Broadway Ave, Suite 102, Meridian ID 83642 or 208.894.5533



MIXED EMPLOYMENT (ME)

TEN MILE SPECIFIC PLAN LAND USE MAP DESIGNATIONS

Building Envelope and other references



Placement	
› Mostly detached/ smaller setbacks. No more than 30% parking on the front	
Heights	
› 1 to 4 stories	
Vertical Form	
› Base, Body, & Top	
Frontage	
› 20% Windows. Single plane wall maximum distance = building height	
Additional Cut Sheet References	Page
› Building Facades & Heights	BFC.2
› Base, Body, & Top	BFC.3
› Roofs – Flat or Pitched	BFC.4
› Signs & Public Art	SGN.1

“ Mixed Employment areas should be designed as lower density suburban-style developments. Design and development standards are recommended that would help to make developments more attractive, engaging and accessible places (Ten Mile Interchange Specific Area Plan).

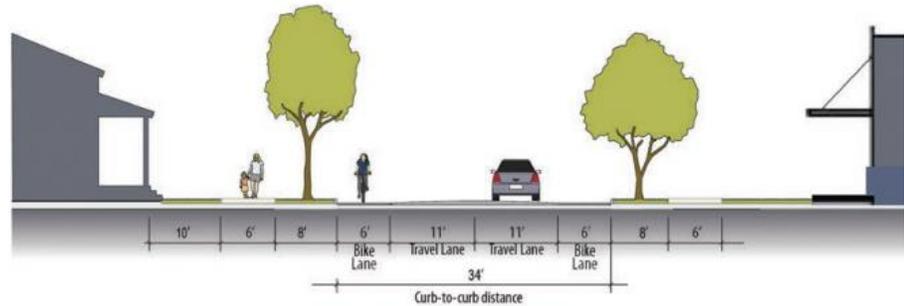


› Questions? Contact the Planning Division at 33 E Broadway Ave, Suite 102, Meridian ID 83642 or 208.894.5533

Transportation: The Transportation System Map in the TMISAP depicts a collector street through this site that connects to S. Black Cat Rd. an adjacent arterial street. The collector street network depicted on the proposed development plan is generally consistent with the Transportation System Map (see pg. 3-18 in the TMISAP).

The Street Section Map depicts Vanguard (major collector) as being appropriate to provide access from adjacent arterial streets (i.e. Black Cat, Franklin & Ten Mile Roads) into the employment area. Streetlights should be located in the tree lawn area and should be of a pedestrian scale.

Street Section C



The collector street (i.e. Vanguard Way) in the commercial mixed-use area of the development should be constructed in accord with this street section with the following exceptions as required by ACHD: (3) travel lanes instead of (2); and 10-foot wide detached sidewalks/pathways instead of 6-foot wide detached sidewalks in lieu of on-street bike lanes.

Design: The TMISAP emphasizes the quality of the built environment and includes recommendations on the location, scale, form, height and design quality of public and private buildings in the form of building placement, orientation, and massing; types and design treatments for building frontages; as well as recommendations for the incorporation of art in public and private projects.

The design elements in the Plan are intended to serve as the basic framework for any given project within the Ten Mile Area. The primary components that the design elements address include: architecture and cultural heritage; building placement whereby build-to lines are identified; heights and step backs; the definition of a base, body and top; and frontage types.

The proposed development should be designed in the accord with the TMISAP (see pgs. 3-31 thru 3-51). See the Application of the Design Elements table on pg. 3-49 to determine specific design element requirements according to the associated FLUM designation. Future development applications should include the applicable design elements.

Comprehensive Plan Policies: The following Comprehensive Plan Policies are applicable to this development:

- “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 service is available and can be extended by the developer with development in accord with UDC 11-3A-21.

- Focus on developing industries that exceed the living wage, such as technology, healthcare and other similar industries. (2.06.01E)

The TMISAP designates the subject property for mixed employment. These areas are intended to capture full economic advantage of the Ten Mile interchange to enhance the long-term fiscal health of the City of Meridian and the Treasure Valley. The proposed annexation and zoning of this area to M-E will result in the creation of primary jobs as anticipated by the Plan.

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

Multi-use pathway segments are proposed within this development for interconnectivity between the commercial and employment portions of the development and neighboring

developments within the area.

- “Encourage the development of supportive commercial near employment areas.” (3.06.02C)

The proposed commercial, flex space, light industrial with manufacturing, and office should provide supportive uses for the proposed employment area.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development in accord with current City plans.

- Evaluate development proposals based on consistency with the vision as well as physical, social, economic, environmental, and aesthetic criteria. (3.01.01D)

The TMISAP vision for this area is an employment-generating center that buffers the community from I-84 and the future extension of Highway 16, and serves the employment areas with easy access to markets, high-speed transportation facilities, and employees across the Treasure Valley. The TMISAP incorporates specific design standards for this area to create a sense of place and a unique identity. In line with this vision, the proposed annexation and zoning to M-E are intended to accommodate a mix of uses which is consistent with the overall vision and the design principles for this area.

- “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 to this site and can be extended by the developer with development in accord with UDC 11-3A-21. The emergency response times for Police Dept. and Fire Dept. meet the established goals.

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.)” (3.07.01C)

A 50-foot wide landscaped street buffer is required to be provided along the southern boundary of the site adjacent to I-84.

- “Encourage the integration of public art as an integrated component with new development.” (5.03.01B)

The Applicant is proposing the installation of a historical monument for the existing silos located in the plaza near the site’s entrance. The proposal involves utilizing materials from the Silo in the construction of the monument. Additionally, the Applicant plans to accompany the monument with a plaque featuring pictures of the original silo along with historical details for the public. This initiative aligns with the goals of preservation and seamlessly integrates public art into the site.

- “Coordinate with the Meridian Historic Preservation Commission to recommend use, restoration, and preservation of historical structures and sites throughout Meridian.” (5.02.02A)

- “Stimulate private and public investment in the restoration and preservation of historic buildings, outdoor spaces, and natural historical features.” (5.02.02D)

- “Support the efforts of the Historic Preservation Commission to foster preservation and conservation.” (5.02.02E)
- “Develop policies to preserve and protect or document and memorialize historic and culturally significant structures and sites.” (5.02.02J)

Encompassing the aforementioned policies, there are currently multiple historic buildings situated on this site. The Applicant intends to proceed with one of the following options, aiming to install a historical monument for the existing silos located in the plaza area near the site’s entrance. Option (1): involves careful disassembling and storage of the structure, with the intention to find an interested agency that may preserve the silo on another site. An agency would need to be identified before disassembly and prior to the commencement of the road. Alternatively, if no interested agency is identified prior to the commencement of the road construction, Option (2): entails utilizing some materials from the silo in the construction of the monument in the plaza (Lot 3, Block 1).

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks are proposed as required with this development.

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan for this area per the analysis above.

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

A. Annexation and Zoning (AZ):

Annexation is requested of 33.89-acres from RUT to the M-E zoning district as shown on the Annexation description and Exhibit in Section VII.B. A conceptual development plan and elevations are included in Section VII.D that show how the site is anticipated to develop.

The development abuts Mixed Employment designated land to the east and borders I-84 to the south. This development is proposed to have access to a collector street as desired. Medium-high-density residential uses are proposed to the north and light industrial to the west. Allowed uses in the M-E district consist of offices, medical centers, research and development facilities, and light industrial uses with ancillary support services. This area is intended to develop with approximately 378, 360 s.f., encompassing various potential uses like office, light industrial operations, and research and development components such as distribution and light manufacturing.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **If this property is annexed, Staff recommends a DA is required with the provisions discussed herein and included in Section VIII.A.**

Proposed Use Analysis:

A variety of uses are proposed including office, commercial, flex space, light industrial, research and development, and other uses; see UDC Table [11-2B-2](#) for allowed uses in the applicable zoning districts. Compliance with the dimensional standards listed in UDC Table [11-2B-3](#) is required, as applicable. **The inclusion of loading docks on the elevations for the proposed flex buildings implies that all of the intended uses are primarily related to distribution/warehousing, which requires a Conditional Use Permit (CUP) in the M-E zoning district.**

The proposed zoning and uses are generally consistent with the associated FLUM designations as discussed above in Section IV.

B. Preliminary Plat (PP):

The proposed preliminary plat consists of 6 building lots and 1 common lot on 27.59-acres of land in the M-E zoning districts for Farmstone Crossing Subdivision. The subdivision is proposed to develop in two (2) phases as shown on the phasing plan in Section VII.C. **Staff recommends that the collector street (Vanguard Way) be constructed prior to development commencing on the property. Additionally, the first phase of development should encompass the construction of both the 10' detached sidewalks along S. Black Cat Road and Vanguard Way including the entire street buffers. The second phase of development should encompass the completion of the remaining 10-foot pathway along the I-84 Interstate.**

Existing Structures/Site Improvements:

According to GIS imagery, there is an existing home and other historic outbuildings adjacent to Black Cat Road that will be removed upon development of the Farmstone Crossing Subdivision. **Staff recommends that the Applicant preserve some elements of the historic buildings. As mentioned above, the Applicant presented their proposed plan for the existing silos to the Historic Preservation Commission on January 25, 2024 with the following: Option (1): involves careful disassembling and storage of the structure, with the intention to find an interested agency that may preserve the silo on another site. An agency would need to be identified before disassembly and prior to the commencement of the road. Alternatively, if no interested agency is identified prior to the commencement of the road construction, option (2): entails utilizing some materials from the silo in the construction of the monument (refer to Applicants narrative below).**

The meeting concluded with the Historic Preservation Commission expressing a preference for recommending to the Planning and Zoning Commission that both existing silos be disassembled and reassembled at a yet-to-be-determined future location. It was emphasized that the specifics of the relocation be clarified prior to disassembly, and the new site would need to be determined within a reasonable period of time. As an alternative proposal, the Commission advocates for the creation of a scale replica of the facilities on the current site. The Historic Preservation Commission wishes to review the details of the proposed monument with the initial Certificate of Zoning Compliance submittal for the site. Additionally, the Historic Preservation Commission wishes to retain the ability to provide comments on the final proposed monument presented by the Applicant.

As part of the proposed first phase of development, all existing structures that do not conform to the district's setbacks must be removed, except for those agreed upon for historic preservation. No other site improvements are known.



Throughout the course of designing this project, we have worked with numerous agencies and explored options for preserving the Silo. Here are the findings:

- The silo is located in the middle of a required ACHD right-of-way, therefore it cannot stay in its' current location. We reached out to ACHD to see if the road could be shifted, due to the existing construction of the road on the West - the road cannot be moved (*see ACHD comment*).
- A structural analysis was complete, and the structure is not safe (*see Structural letter*).
- The silo was evaluated by a moving company - they determined that it cannot be moved without the structure falling apart.

Based on these findings, our proposal is to proceed with one of the following options and build a monument on site:

1. Disassemble and store the structure for an agency that may be interested in preserving the silo on another site. An agency would need to be identified prior to disassembly and prior to construction of the road.
2. In the event an interested agency cannot be found prior to construction of the road, we will use some of the materials from the Silo in the construction of the monument.

The monument will be placed in the Plaza of this development. In addition, we will install a plaque to accompany the monument which will include pictures of the original Silo along with historical details for the public. We believe this is an ideal way to memorialize the history of the Double Grain Silos and provide the community with a beautiful monument.

We have met with the Historic Preservation Commission as a part of their monthly meeting and the commission is in agreement with the proposal. The commission requested to review the renderings of the monument once those have been prepared - the developer has agreed to do so.

Summary

The preliminary plat has been thoughtfully designed to be consistent with the UDC, TMISAP and Pathways Master Plan. This new light industrial and office/flex space development will provide employment opportunities for the area. Additionally, the plan has also been adapted to add a smaller user providing greater synergy with the planned residential densities.

Dimensional Standards:

Development of the proposed lots is required to comply with the dimensional standards of the M-E zoning district in UDC Table [11-2B-3](#), as applicable. **The proposed preliminary plat appears to comply with the dimensional standards of the district.**

Subdivision Design and Improvement Standards (UDC [11-6C-3](#)):

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3. **The proposed subdivision appears to comply with these standards.**

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

Access is proposed to be provided from the northern boundary of the site from the extension of Vanguard Way to Black Cat Road to the west. Vanguard Way is designed as a collector street in accordance with the Master Street Map and the Transportation System Map in the TMISAP. A driveway is proposed to the adjacent property to the east for future extension.

Prior to Certificate of Occupancy, the applicant shall record a cross-access/ingress-egress easement to adjoining property to the east [S1215427850] and submit copy of said easement to the Planning Division in accordance with the provisions of UDC 11-3A-3A2. Direct access via S. Black Cat Road is prohibited.

Streets:

Vanguard Way should be constructed in accordance with Street Section C (major collector street) in the TMISAP, which requires (2) 11-foot travel lanes, 6-foot bike lanes, 8-foot parkways with streetlights at a pedestrian scale, and minimum 6-foot wide detached sidewalks (see pg. 3-20, 3-22, 3-23). The Applicant proposes a modification of the street section to include 10-foot wide detached sidewalks/pathways in lieu of on-street bike lanes, which is required by ACHD and as set forth in the Meridian Master Pathways Plan.

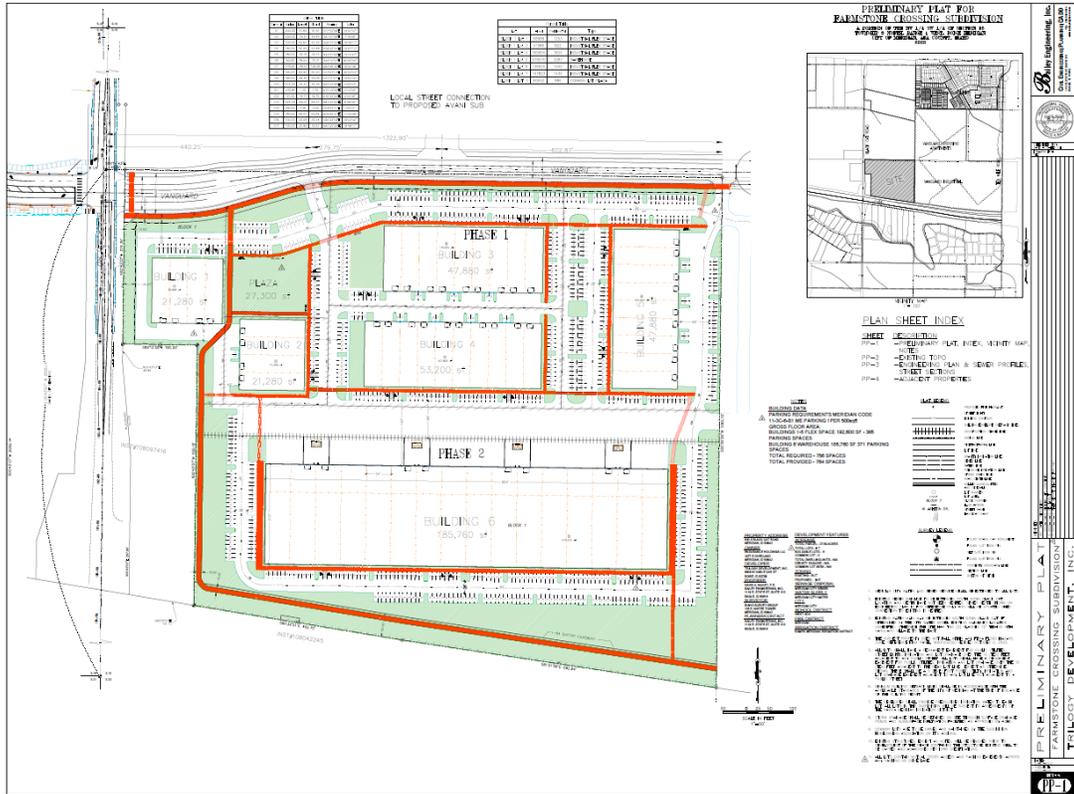
All streets should be constructed as complete streets as defined in the TMISAP (see pg. 3-19 & 3-20). Prior to submitting the final plat, the Applicant shall coordinate with the property owner to the north and east to construct Vanguard Way and deed the right-of-way to ACHD. The Applicant should ensure that the intersection of Vanguard Way and S. Black Cat Road aligns with the entrance of the Black Cat Industrial projects on the west side of S. Black Cat Road.

The Applicant is proposing two curb cuts off of Vanguard Way, a planned collector street in the TMISAP. In accordance with UDC 11-3A-3 (Access to streets), multiple accesses off an arterial and/or collector roadway shall be restricted. **The Applicant has chosen to eliminate the curb cut aligned with the proposed subdivision to the north and has instead opted for the one closest to the intersection of Black Cat Road. Typically, Staff recommends that curb cuts align directly across roadways; however, Staff supports the offset change, given that the entrance effectively highlights the features of the proposed plaza, provided it adheres to ACHD's requirements. Additionally, the Applicant has proposed establishing a shared access on the east side of this site in collaboration with the property owner to the east, intended for future shared access.**

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

Ten (10) foot-wide multi-use pathways are proposed on the site in accordance with the Pathways Master Plan. One segment follows Vanguard Way across the northern portion of this site; one segment runs along the southern boundary within the street buffer along I-84; and another segment runs along the west side of the site adjacent to S. Black Cat Road to the plaza on the north. **The proposed pathway is intended to cross the drive aisle between Buildings 1 & 2 (refer to figure below). Staff recommends removing the loading docks from the rear of**

Buildings 1 & 2 to mitigate potential conflicts between pedestrians using the pathway and delivery trucks accessing that area. A 14-foot wide public use easement for all multi-use pathways shall be submitted to the Planning Division prior to submittal for City Engineer's signature on the final plat(s).



Landscaping is required along all pathways per the standards in UDC [11-3B-12C](#). The landscape plan appears to comply with this standard.

Sidewalks & Pedestrian Walkways (UDC [11-3A-17](#) & UDC [11-3A-19.B.4](#)):

The UDC requires minimum 5-foot wide sidewalks to be provided adjacent to all streets with detached sidewalks along collector streets and attached or detached sidewalks along local streets. However, the guidelines in the TMISAP for the collector street sections (i.e. C) depict 6-foot wide sidewalks, which should be provided within the development at a minimum. The applicant is proposing to construct 10-foot wide sidewalks adjacent to the applicable roadways based on the design approved with the Vanguard Village project to the east.

A continuous internal pedestrian walkway that is a minimum of five (5) feet in width shall be provided from the perimeter sidewalk to the main building entrance(s) for nonresidential uses. The walkway width shall be maintained clear of any obstructions, such as vehicles, outdoor sale displays, vending machines, or temporary structures in accordance with UDC 11-3A-19. The Applicant has provided a pedestrian circulation plan in Section VII.E. The internal pedestrian walkways shall be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks; striping is not an approved material. The plans appears to comply with this standard.

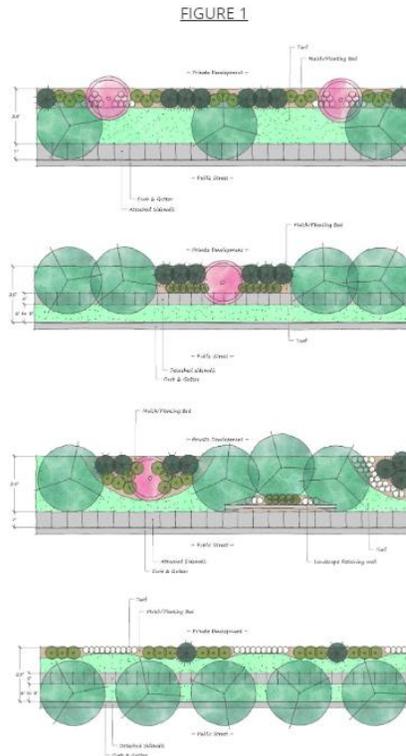
Sidewalks, walkways, and pathways should include a dedicated crosswalk at the intersection of S. Black Cat Road with changes in color, markings, materials, texture and/or surface to distinguish them from the surrounding pavement as set forth in the TMISAP (see pg. 3-28, Crosswalks).

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

Street buffers are required to be provided as set forth in UDC [Table 11-2A-7](#). A minimum 25-foot wide street buffer is required along all arterial streets (i.e. S. Black Cat Road) in commercial districts. A 20-foot wide street buffer is required along all collector streets (i.e. Vanguard Way) – the buffer may be placed in an easement rather than a common lot in accord with UDC 11-3B-7C.2a. A minimum 50-foot wide street buffer is required along I-84, landscaped per the standards listed in UDC [11-3B-7C.3](#), which requires a variety of trees, shrubs, lawn or other vegetative groundcover (see updated code for specifics & figures below). **The proposed buffer dimensions appear to meet the requirements of the UDC code; however, there is a lack of a combination of planters (shrubs and rock mulch) within the buffer along Vanguard Way. The Applicant has provided fifty-two (52) trees and only thirty-four (34) are required along Vanguard Way. Staff recommends that the Applicant enhance the street buffer by reducing the number of trees and incorporating additional planters. The landscape buffer along Black Cat Road adjacent to the open drainage swale, lacks vegetation in front of the 10-foot pathway, not meeting the requirements of the UDC.**

The Applicant proposes a plaza area between Building #1 and Building #2, featuring benches, a pergola, landscaping, and a potential historical monument of the existing silo on the site.

The Applicant should revise the landscape plan to reflect landscaping within the required buffers along Vanguard Way and Black Cat Road adjacent to the drainage swale in front of the 10-foot pathway in accordance with the standards listed in UDC [11-3B-7](#); which requires a variety of trees, shrubs, lawn or other vegetative groundcover (see figures below).



Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#). Class II trees shall be provided in parkways in accord with UDC 11-3A-17E.

Landscaping is required along all pathways per the standards in UDC [11-3B-12C](#). **The landscape plan appears to comply with this standard.**

Mitigation is required for all existing trees 4” caliper or greater that are removed from the site in accord with the standards in UDC 11-3B-10C.5. Mitigation calculations are depicted on the landscape plan in accord with UDC standards (i.e. 149 trees at 2 caliper inches each for a total of 284 caliper inches). **The location of mitigation trees shall be depicted on a revised landscape plan submitted with the final plat application.**

Parking lot: Provide a five-foot wide minimum landscape buffer adjacent to parking, loading, or other paved vehicular use areas, including driveways, vehicle sales areas, truck parking areas, bus parking areas, and vehicle storage areas, subject to the following exceptions: (1) This requirement may be reduced or waived at the determination of the Director where there is a shared driveway and/or recorded cross parking agreement and easement with an adjacent property. (2) This requirement may be reduced or waived at the determination of the Director for truck maneuvering areas in industrial, mixed-employment and high-density employment districts

To improve the integration of this property with the neighboring M-E zoned property to the east, Staff encourages the Applicant to consider removing the entire landscape buffer along the eastern side and coordinate the alignment of parking with the adjacent property owner. This would facilitate shared access to the east and improve integration with the eastern property.

Storm Drainage:

An adequate storm drainage system is required in all developments in accord with the City’s adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Geotechnical Evaluation](#) for the subdivision.

Pressure Irrigation (UDC [11-3A-15](#)):

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15.

Utilities (UDC [11-3A-21](#)):

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21.

Waterways (UDC [11-3A-6](#)):

There are no waterways on this site.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. The Applicant is proposing a 5-foot wrought iron fence along the west property line adjacent to the pathway and the ACHD drainage swale. **The proposed fencing complies with the UDC code.**

Parking: Off-street vehicle parking is required for the proposed commercial subdivision as set forth in UDC Table [11-3C-6.B](#). Based on approximately 378,360 square feet of proposed floor space, a minimum of 757 off-street spaces are required; a total of 764 off-street parking spaces are proposed (7 additional parking spaces). Based on 764 parking spaces proposed, a minimum of 31 bicycle spaces are required to be provided; none are proposed. **Bicycle parking facilities should comply with the standards in UDC [11-3C-5C](#). Bike racks should be provided as close as possible to each building entrance totaling 31 spaces or in a designated area within the plaza. Staff is recommending the removal of the loading docks at the rear of Building #1 and Building #2, which will create additional parking. Staff recommends that Applicant submit revised plans incorporating the aforementioned changes with the CZC Application.**

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

Conceptual building elevations were submitted for the proposed flex buildings and light industrial building as shown in Section VII.F. Building materials consist of horizontal metal or Hardie plank siding in white, wood colors; stucco in dark and light gray colors; metal awnings; and gray wrapped cornice moulding.

The proposed conceptual elevations are *not* approved. Final design must comply with the design standards in the Architectural Standards Manual (ASM) and the design guidelines in the TMISAP for the Commercial designation (see the matrix for Application of the Design Elements on pg. 3-49). A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the site and building design prior to submittal of building permit applications.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and preliminary plat per the provisions noted in Section VIII, per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on February 15, 2024. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Preliminary Plat requests.

1. Summary of Commission public hearing:
 - a. In favor: David Bailey, Bailey Engineering
 - b. In opposition: None
 - c. Commenting: Blaine Johnston, President of the Meridian Historic Preservation Commission
 - d. Written testimony: None
 - e. Staff presenting application: Stacy Hersh, Associate Planner
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
The Applicant's consideration and proposal for the monument sign is appreciated; however, it would be nice to see the historic silos preserved somehow.
3. Key issue(s) of discussion by Commission:
 - a. Retaining the Historic Silos on another property (i.e. Northeast Corner of Ten Mile & Franklin or in the middle of a roundabout).
 - b. Questions to the Historic Preservation Commission regarding funding to move the silos to another suitable location owned by the City.
 - c. The proposed timing for the extension of Vanguard Way and the disassembly of the dual silos to relocate them out of the right-of-way.
 - d. Concerns with the silo being placed somewhere else in the Treasure Valley and losing its distinguished heritage as being part of Meridian.
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. Commission would like to recommend City Council retain the dual silos as a historical monument somewhere within our city, preventing them from being given or sold to another part of the Treasure Valley or discarded, and the Developer build a monument on site to commemorate the silos.

C. The Meridian City Council heard these items on May 7, 2024. At the public hearing, the Council moved to approve the subject Annexation and Preliminary Plat requests.

1. Summary of the City Council public hearing:

- a. In favor: David Bailey, Bailey Engineering
 - b. In opposition: None
 - c. Commenting: Blaine Johnston, President of the Meridian Historic Preservation Commission
 - d. Written testimony: None
 - e. Staff presenting application: Stacy Hersh, Associate Planner
 - f. Other Staff commenting on application: Bill Parsons, Planning Supervisor
2. Key issue(s) of public testimony:
- a. None
3. Key issue(s) of discussion by City Council:
- a. Add a condition to the Development Agreement for the Applicant to disassemble the structure, and the City will agree to store it per a Memorandum of Understanding (MOU), to relocate the silo to another site prior to the commencement of the collector road extension.
 - b. The Applicant should construct a monument of the silos in the plaza area.
 - c. The Applicant agrees to designate a location within the common area adjacent to the freeway as a potential future site for silos and will provide a license agreement with the City to utilize the space.
 - d. Council should provide suggestions regarding which park they prefer to re-construct the silos in, considering that no new parks are planned for development within the next three to four years.
4. City Council change(s) to Commission recommendation:
- a. Revise the Development Agreement conditions to incorporate the factors mentioned above.

VII. EXHIBITS

A. Annexation Legal Description and Exhibit Map

Description for
Annexation
Farmstone Crossing Subdivision
August 29, 2023

A portion of the Northwest 1/4 of the Southwest 1/4 of Section 15, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho more particularly described as follows:

BEGINNING at the 1/4 corner common to said Sections 15 and 16, T.3N., R.1W., B.M., from which the Section corner common to Sections 15, 16, 21 and 22 T.3N., R.1W., B.M., bears South 00°43'07" West, 2,656.14 feet;

thence South 89°14'43" East, 1,322.85 feet to the Center-West 1/16 corner of said Section 15;

thence on the east line of the Northwest 1/4 of the Southwest 1/4 of said Section 15, South 00°39'26" West, 1,216.87 feet to the centerline of U.S. Interstate 84;

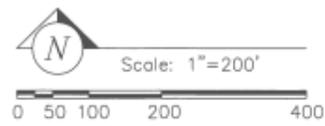
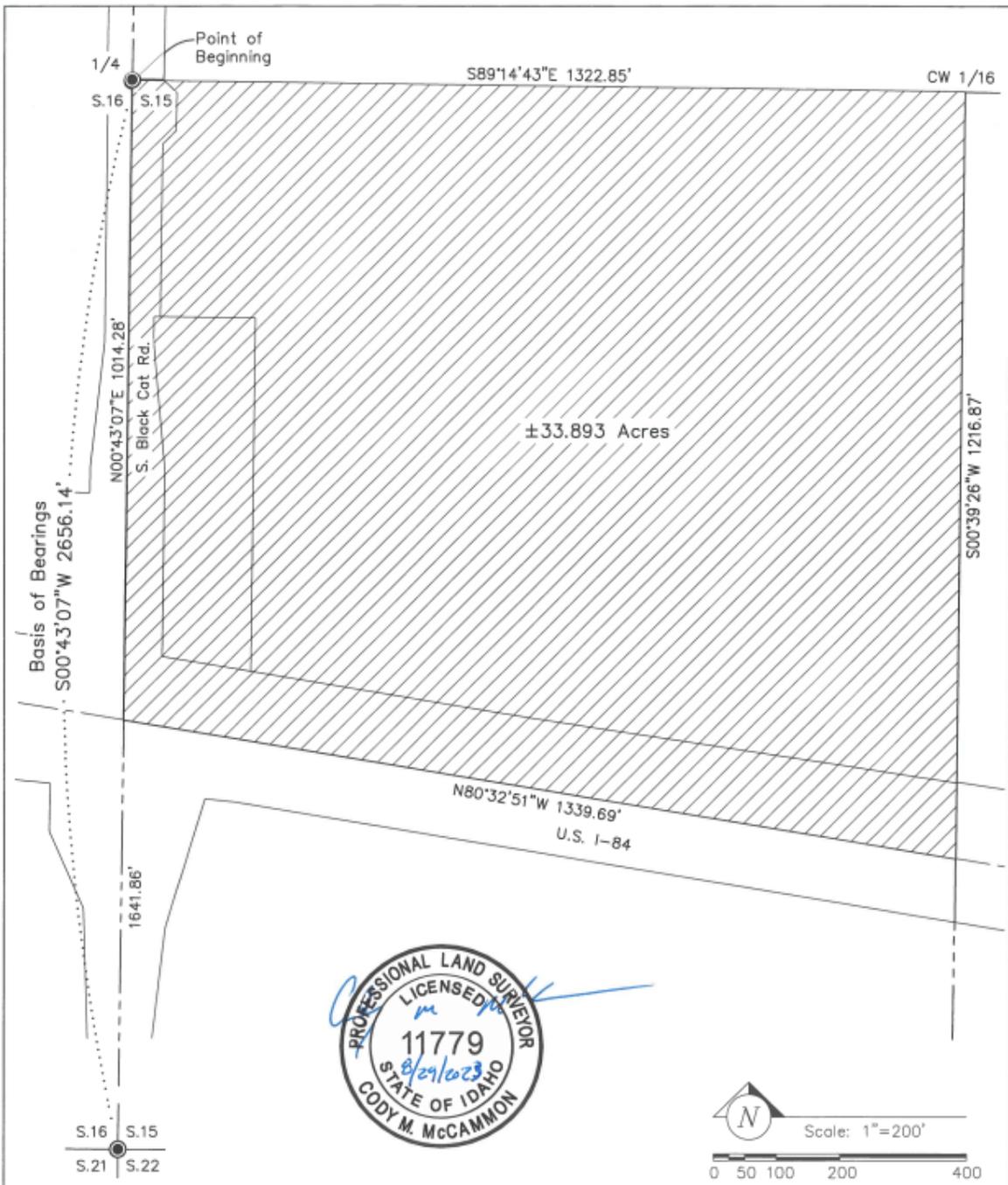
thence on said centerline, North 80°32'51" West, 1,339.69 feet to the west section line of said Section 15;

thence on said west section line, North 00°43'07" East, 1,014.28 feet to the **POINT OF BEGINNING.**

Containing 33.893 acres, more or less.

End of Description.





P:\Farmstone Crossing (820 Black Cat) 22-074\dwg\ Annex Ex.dwg 8/29/2023 10:37:37 AM

	IDAHO SURVEY GROUP, LLC	9955 W. EMERALD ST. BOISE, IDAHO 83704 (208) 846-9570
	Exhibit Drawing for Annexation Farmstone Crossing Subdivision A portion of the NW1/4 of the SW1/4 of Section 15, T.3N., R.1W., B.M., Ada County, Idaho.	

Job No. XX-XXX
Sheet No. 1
Dwg. Date 8/29/2023

B. Farmstone Crossing Plat Boundary Legal Description and Exhibit Map

Description for
Farmstone Crossing Subdivision
July 18, 2023

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

Commencing at the 1/4 corner common to said Sections 15 and 16, T.3N., R.1W., B.M., from which the Section corner common to Sections 15, 16, 21 and 22 T.3N., R.1W., B.M., bears South 00°43'07" West, 2,656.14 feet; thence on the east-west centerline of said Section 15, South 89°14'43" East, 50.00 feet to the **POINT OF BEGINNING**;

thence continuing, South 89°14'43" East, 1,272.85 feet to the Center-West 1/16 corner of said Section 15;

thence on the east line of the Northwest 1/4 of the Southwest 1/4 of said Section 15, South 00°39'26" West, 1,095.70 feet to the north right-of-way line of U.S. Interstate 84;

thence on said north right-of-way line the following two (2) courses and distances:

North 81°21'56" West, 682.94 feet;

North 80°32'51" West, 452.75 feet;

thence leaving said north right-of-way line, North 00°43'07" East, 559.16 feet;

thence North 89°12'58" West, 150.09 feet to the easterly right-of-way line of S. Black Cat Road;

thence on said easterly right-of-way line the following four (4) courses and distances:

North 00°43'07" East, 273.37 feet;

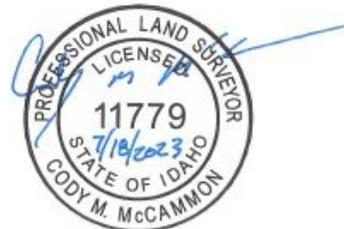
North 45°50'37" East, 30.09 feet;

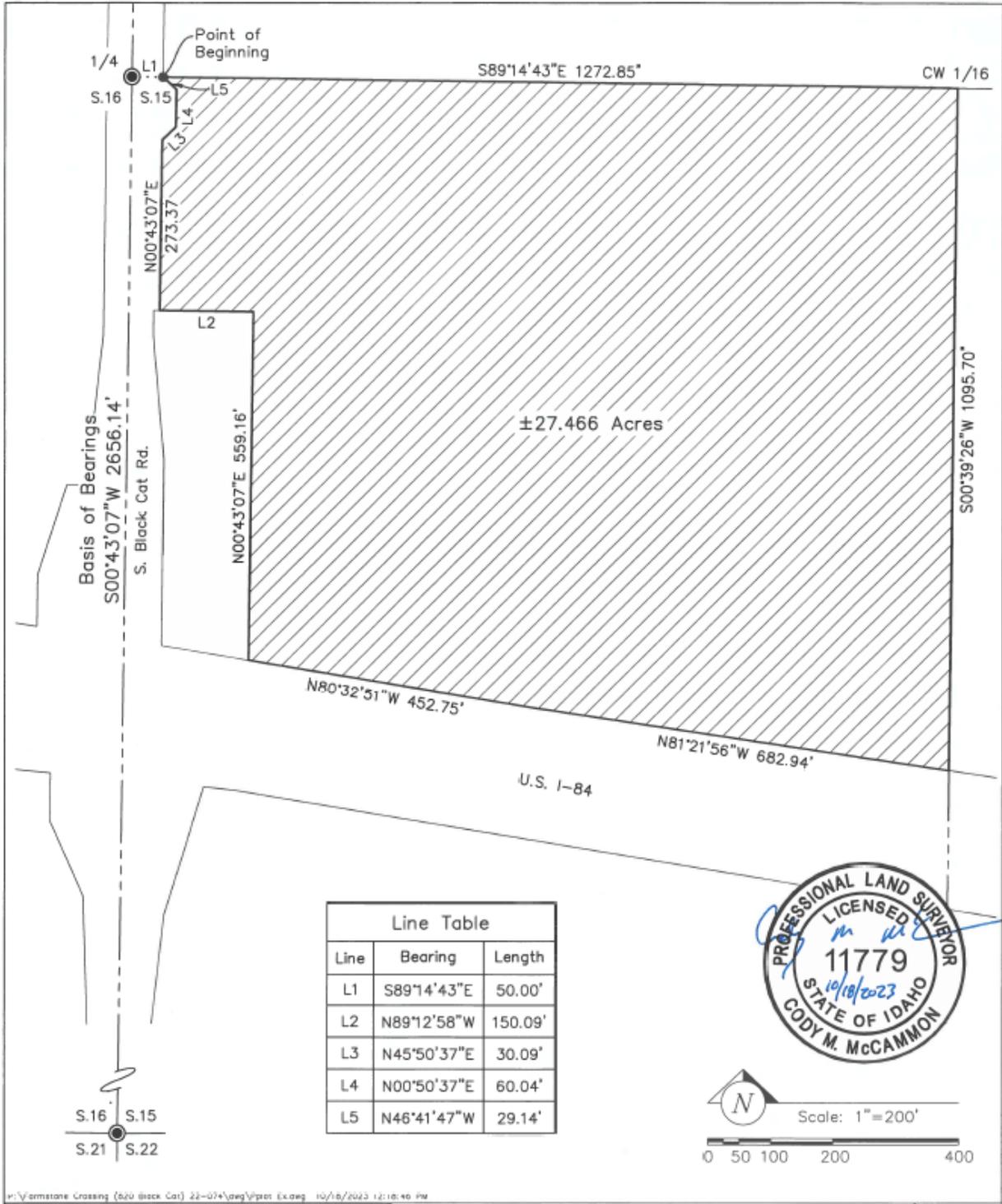
North 00°50'37" East, 60.04 feet;

North 46°41'47" West, 29.14 feet to the **POINT OF BEGINNING**.

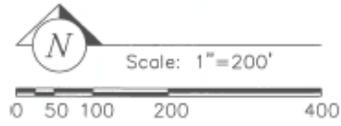
Containing 27.466 acres, more or less.

End of Description.





Line Table		
Line	Bearing	Length
L1	S89°14'43"E	50.00'
L2	N89°12'58"W	150.09'
L3	N45°50'37"E	30.09'
L4	N00°50'37"E	60.04'
L5	N46°41'47"W	29.14'



F:\Farmstone Crossing (620 Black Cat) 22-074\dwg\ipset Ex.dwg 10/18/2023 12:16:46 PM

ISG IDAHO SURVEY GROUP, LLC
 9955 W. EMERALD ST.
 BOISE, IDAHO 83704
 (208) 646-8570

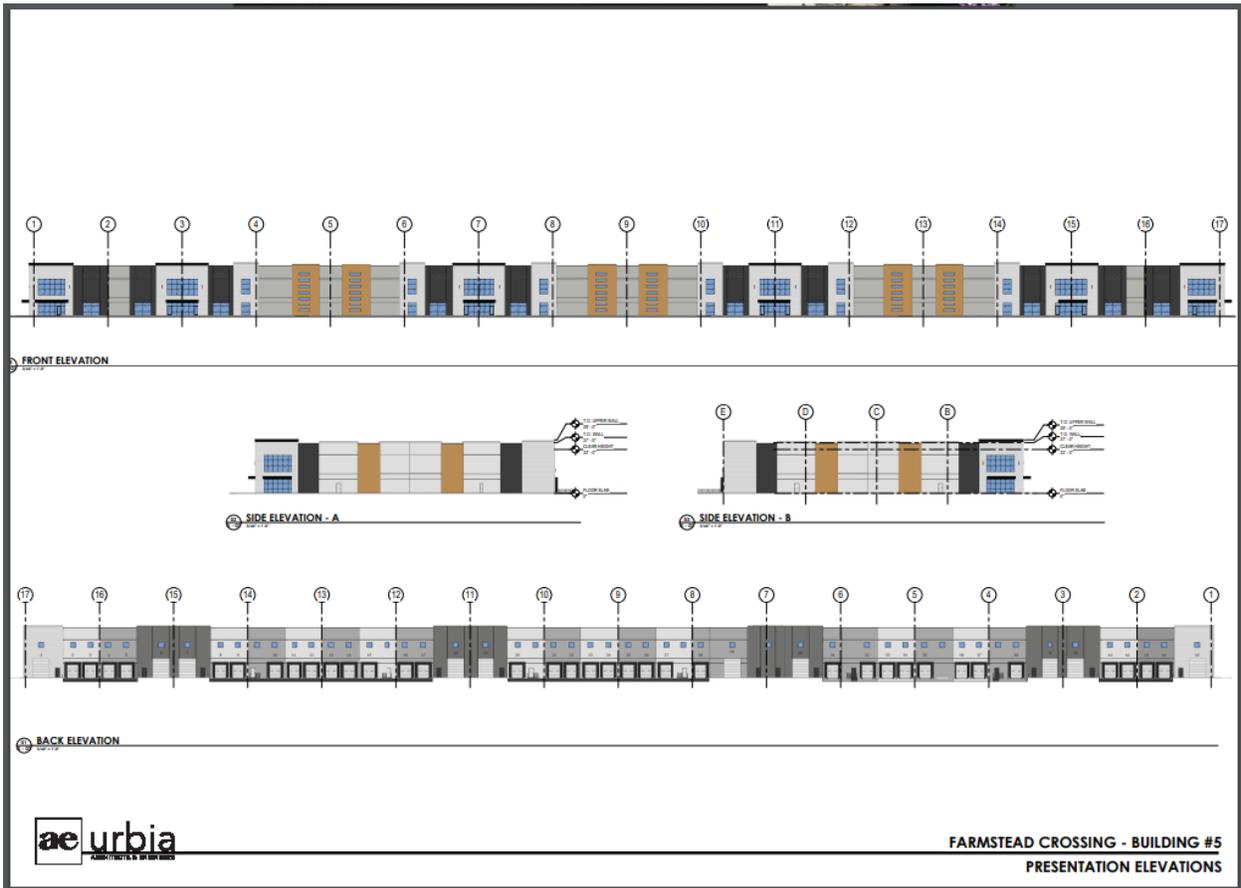
Exhibit Drawing for
Farmstone Crossing Subdivision
 A portion of the NW1/4 of the SW1/4 of Section 15,
 T.3N., R.1W., B.M., Ada County, Idaho.

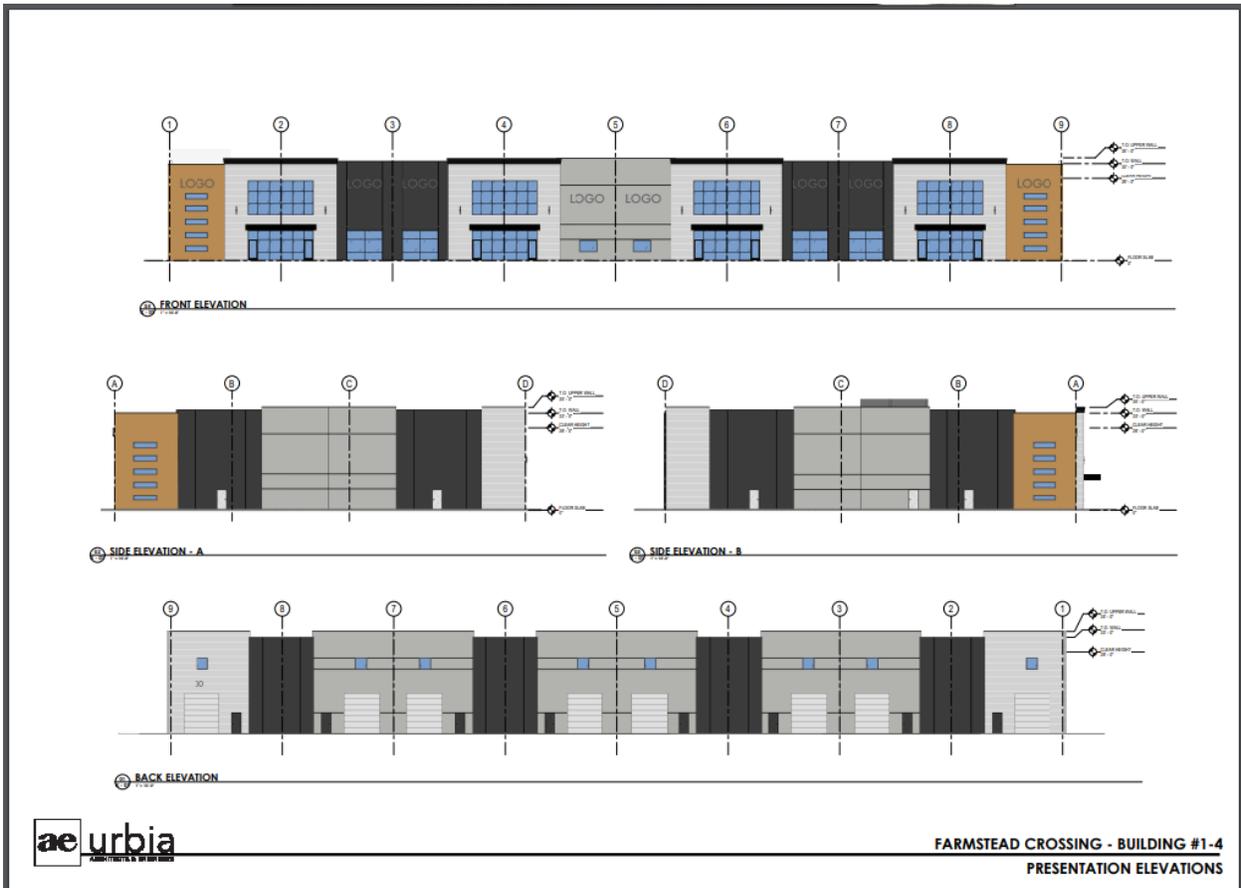
Job No.
 22-074
 Sheet No.
 1
 Dwg. Date
 10/18/2023

D. Landscape Plan Rendering



F. Conceptual Building Elevations for Buildings 1 - 5









II. 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, a DA shall be entered into between the City of Meridian and the property owner(s)/developer at the time of ordinance adoption. **A final plat will not be accepted until the DA is executed and the AZ ordinance is approved by City Council.**

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 and rezone. The DA shall, at minimum, incorporate the following provisions:

- a. Development of the subject property shall be generally consistent with the site plan, landscape plan, preliminary plat, phasing plan, and conceptual building elevations included in Section VII and the provisions contained herein. **Prior to the Council hearing, the Applicant shall provide elevations for Building #1 and Building #2 incorporating a more traditional office design to complement the plaza area. Additionally, the Applicant shall remove the loading docks from the rear of the buildings in favor of more parking.**
- b. All future development, site design and building design shall comply with the Design Elements matrix on pg. 3-49 in the Ten Mile Interchange Specific Area Plan and the standards in the Architectural Standards Manual, as applicable.
- c. ~~Prior to submittal of a certificate of zoning application the applicant should coordinate with the historic preservation on either of the following options:—~~ Prior to submittal of a Certificate of Zoning Compliance application, pursuant to the *License Agreement and Agreement for Storage and Ownership of Double-Silo Barn Components* between Applicant and City, the Applicant shall (1) at the Developer's sole expense: label, dismantle, package and move the Double-Silo Barn's components (beams, trusses, framing, chutes, steel bands, and bricks) from their original location to the Meridian Parks and Recreation Department's maintenance facility, located at 1700 E. Lanark Street, Meridian, Idaho; and (2) convey an easement to City at 820 S. Black Cat Road, in a location in the southeast corner of that property, suitable for rebuilding the Barn, in the event such circumstance should occur; and (3) include the reconstructed Barn in the Applicant's CZC application. Disassemble and store the structure, with the intention of finding an interested agency to preserve the silo to another site prior to the commencement of the collector road extension OR (2) construct a monument of the silos in the plaza utilizing some of the materials from the disassembled silos AND/OR (3)
- d. The collector street (Vanguard Way) shall be constructed prior to development commencing on the property. The applicant may deed the right-of-way to ACHD prior to the submittal of the first phase of a final plat.
- e. Sidewalks, walkways and pathways shall include dedicated crosswalks at the intersection with all streets of S. Black Cat Road with changes in color, markings, materials, texture and/or surface to distinguish them from the surrounding pavement as set forth in the TMISAP (see pg. 3-28, Crosswalks).
- f. Public art in a high quality of design shall be provided in shared spaces and incorporated into the design of streetscapes as set forth in the TMISAP (see pg. 3-47). ***The proposed monument of the historic silo will satisfy this requirement.***

- g. The subject property shall be subdivided prior to submittal of any Certificate of Zoning Compliance application(s) and/or building permit application.

2. Preliminary Plat:

2.1 Future development of the proposed lots is required to comply with the dimensional standards M-E zoning districts in UDC [Table 11-2B-3](#), as applicable.

2.2 The plat shall be revised prior to submitting the first phase of a final plat as follows: :

- a. Include a note prohibiting direct access via S. Black Cat Road and Vanguard other than the access points approved by the City and ACHD with this application.
- c. Depict street sections for Vanguard Way consistent with Street Section C in the TMISAP with a modification that allows (3) 11-foot travel lanes, 8-foot parkways and detached 10-foot wide sidewalks/pathways in lieu of on-street bike lanes as required by ACHD. Streetlights are required at a pedestrian scale, unless another alternative is approved (see pg. 3-20, 3-22, 3-23).
- e. The intersection of Vanguard Way and S. Black Road shall align with the entrance of the Black Cat Industrial project on the west side of S. Black Cat Road.
- f. Depict required street landscape buffers in common lots or on permanent dedicated buffer easements, maintained by the property owner or business owners' association, as applicable, as set forth in UDC 11-3B-7C.2.
- g. The Applicant shall coordinate with the property owner to the north and east to construct Vanguard Way and dedicate the right-of-way on the final plat to ACHD.
- h. Coordinate with the property owner to the east for the shared curb cut and explore the possibility of removing the landscape buffer on the eastern side of the site to align parking with the adjacent property owner, if desired.

2.3 The landscape plan shall be revised prior to submitting the first phase of a final plat as follows:

- a. Depict landscaping within required street buffers along Black Cat Road adjacent to the drainage swale in front of the 10-foot pathway and Vanguard Way in accord with the recently amended standards listed in UDC [11-3B-7C and 11-3B-8C](#); all required landscape buffers along streets shall be designed and planted with a variety of trees, shrubs, lawn, or other vegetative ground cover. Plant materials in conjunction with site design shall elicit design principles including rhythm, repetition, balance, and focal elements
- b. Sidewalks, walkways and pathways shall include dedicated crosswalks at the intersection with all streets of S. Black Cat Road with changes in color, markings, materials, texture and/or surface to distinguish them from the surrounding pavement as set forth in the TMISAP (see pg. 3-28, Crosswalks).
- c. The location of mitigation trees shall be depicted on a revised landscape plan submitted with the final plat application.

2.4 A 14-foot wide public use easement for the multi-use pathways within this site shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s).

- 2.5 Prior to Certificate of Occupancy, the applicant shall record a cross-access/ingress-egress easement to adjoining property to the east [S1215427850] and submit copy of said easement to the Planning Division in accordance with the provisions of UDC 11-3A-3A2.
- 2.6 Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
- 2.7 The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308331&dbid=0&repo=MeridianCity&cr=1>

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308338&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308539&dbid=0&repo=MeridianCity>

E. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308789&dbid=0&repo=MeridianCity>

F. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308414&dbid=0&repo=MeridianCity>

G. MERIDIAN PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308329&dbid=0&repo=MeridianCity&cr=1>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=309887&dbid=0&repo=MeridianCity>

I. IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=308539&dbid=0&repo=MeridianCity>

J. NAMPA MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=310445&dbid=0&repo=MeridianCity>

K. COMPASS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=310273&dbid=0&repo=MeridianCity>

L. MERIDIAN HISTORIC PRESERVATION COMMISSION

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=310712&dbid=0&repo=MeridianCity>

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 proposed zoning map amendment and subsequent development is generally consistent with the Comprehensive Plan if the plans are revised.

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

Council finds the proposed map amendment will allow for the development of a mix of commercial, office, flex space, light industrial and employment uses which will provide for the service needs of the community consistent with the purpose statement of the commercial districts in accord with the Comprehensive Plan if the plans are revised.

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

Council finds the proposed zoning map amendment 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.

Council finds the annexation is in the best interest of the City if the plans are revised.

B. Preliminary Plat Findings (11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use and transportation if the plans are revised. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

Council finds that public services will be provided to the subject property with development. (See Exhibit B of the Staff Report for more details from public service providers.)

3. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, Council finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Fire, ACHD, etc.). (See Section VIII for more information.)

5. The development will not be detrimental to the public health, safety or general welfare; and,

Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis.

6. The development preserves significant natural, scenic or historic features.

Council is aware of the significant natural, scenic or historic features that exist on this site that require preserving.