

## DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
  2. **Pacific McDermott Village Apartments LLC, Owner/Developer**
  3. **Woodside Avenue Investors LLC, Owner/Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this 17<sup>th</sup> day of MARCH, 2023, 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 **Pacific McDermott Village Apartments LLC**, whose address is 430 East State Street, Suite 100, Eagle, ID 83616, hereinafter called OWNER/DEVELOPER, and **Woodside Avenue Investors LLC**, whose address is 923 S. Bridgeway Place, Eagle, ID 83616, hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owners are the sole owners, 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 and/or Developer have submitted an application for annexation and zoning of 40.05 acres of land with a request for the R-15 (17.12 acres), R-40 (15.85 acres), and C-G (7.08) zoning districts 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 and/or 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 annexation and zoning 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 20<sup>th</sup> day of December, 2022, 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 and/or Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner and/or 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 and/or 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 are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

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

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

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER/DEVELOPER:** means and refers to **Pacific McDermott Village Apartments LLC**, whose address is 430 East State Street, Suite 100, Eagle, ID 83616-5901, hereinafter called OWNER/DEVELOPER, and **Woodside Avenue Investors LLC**, whose address is 923 S. Bridgeway Place, Eagle, ID 83616, hereinafter called OWNER/DEVELOPER, the parties who own said Property and shall include any subsequent owner(s)/developer(s) of the Property.
- 3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit “A” describing a parcel to

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

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

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

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

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

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

- a. Development of the subject property shall be generally consistent with the conceptual development plan, site plan, preliminary plat, conceptual phasing plan, landscape plan, open space and site amenity exhibits, and conceptual building elevations submitted with the application contained herein.
- b. The two (2) commercial buildings proposed on the northern portion of the site shall be arranged to create some form of common, usable gathering area, such as a plaza or green space as depicted on the conceptual development plan in accord with the mixed-use guidelines in the Comprehensive Plan (see pg. 3-13).
- c. A minimum 25-foot wide buffer shall be provided on the C-G zoned property to the future multi-family residential uses in this development as set forth in UDC Table 11-2B-3, unless such width is otherwise modified by City Council at a public hearing with notice to surrounding property owners as set forth in UDC 11-3B-9C.2. The buffer shall be landscaped in accord with the standards listed in UDC 11-3B-9C.
- d. Noise mitigation shall be provided within the buffers along future SH-16 in accord with the standards listed in UDC 11-3H-4D for residential uses adjoining a state highway.
- e. Private streets shall be required within the multi-family development for addressing purposes and shall comply with the standards listed in UDC 11-3F-4. The private street application shall be submitted prior to or concurrently with the final plat application.
- f. A 10-foot wide multi-use pathway shall be provided within the street buffer along N. Glassford Ave. adjacent to SH-16 within a 14-foot wide public use easement.
- g. The final plat shall be recorded prior to issuance of building permits for any structures within this development.
- h. All future structures constructed on this site shall comply with the applicable design standards contained in the Architectural Standards Manual.

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

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

- 7.1 **Acts of Default.** In the event Owner and/or Developer, or Owner and/or 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 and/or Developer's default of this agreement, Owner and/or 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 and/or 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 and/or 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 and/or 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 and/or 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 and/or Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the re-zoning 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 and/or Developer to the City in accordance with Paragraph 11 above.

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

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

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

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

**OWNER/DEVELOPER:**  
**Pacific McDermott Village Apartments LLC**  
430 E. State St. Ste. 100  
Eagle, ID 83616-5901

**OWNER/DEVELOPER:**  
**Woodside Avenue Investors LLC**  
923 S. Bridgeway Pl.  
Eagle, ID 83616

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 and/or 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. **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.

21. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owner and/or 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 and/or 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.

21.1 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.

22. **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/DEVELOPER:

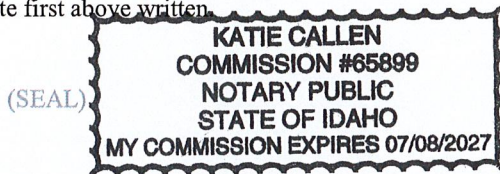
**Pacific McDermott Village Apartments LLC**

  
By: CALEB ROOPE  
Its: MANAGER

STATE OF IDAHO       )  
                                  : ss:  
County of Ada        )

On this 17 day of March, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Caleb Roope, known or identified to me to be the manager of **Woodside Investors LLC**, and the person who signed above and acknowledged to me that he executed the same on behalf of said Company.

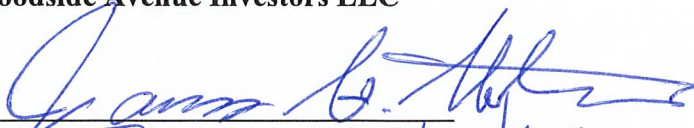
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



  
Notary Public  
My Commission Expires: 7/8/27

### OWNER/DEVELOPER:

**Woodside Avenue Investors LLC**

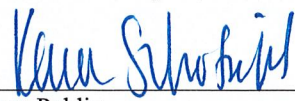
  
By: James H. Hunter  
Its: Manager

STATE OF IDAHO       )  
                                  : ss:  
County of Ada        )

On this 16<sup>th</sup> day of March, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared James H. Hunter, known or identified to me to be the manager of **Woodside Avenue Investors LLC**, and the person who signed above and acknowledged to me that he executed the same on behalf of said Company.

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



  
Notary Public  
My Commission Expires: 9-2-27

CITY OF MERIDIAN

ATTEST:

By: \_\_\_\_\_  
Mayor Robert E. Simison

\_\_\_\_\_  
Chris Johnson, City Clerk

STATE OF IDAHO       )  
                              : ss  
County of Ada         )

On this \_\_\_\_ day of \_\_\_\_\_, 2023, 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.

\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: \_\_\_\_\_

# EXHIBIT A



IDAHO  
SURVEY  
GROUP

9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570  
Fax: (208) 884-5399

**McDermott Village Subdivision**  
**Annexation**  
**Boundary Description**  
*Project Number 21-578      June 15, 2022*

The southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

BEGINNING at the southeast corner of the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian:

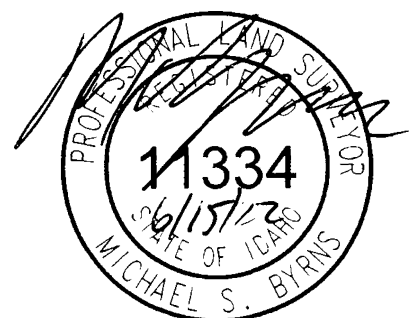
Thence N89°17'49"W, 1325.58 feet along the south line of the southeast quarter of the southeast quarter to the east sixteenth-section corner;

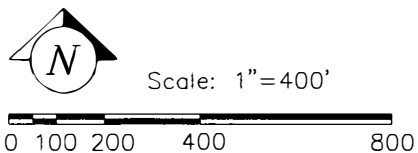
Thence N00°33'07"E, 1316.23 feet along the west line of the southeast quarter of the southeast quarter to the southeast sixteenth-section corner;

Thence S89°19'58"E, 1324.63 feet along the north line of the southeast quarter of the southeast quarter to the south sixteenth-section corner;

Thence S00°30'38"W, 1317.06 feet along the east line of the southeast quarter of the southeast quarter to the POINT OF BEGINNING.

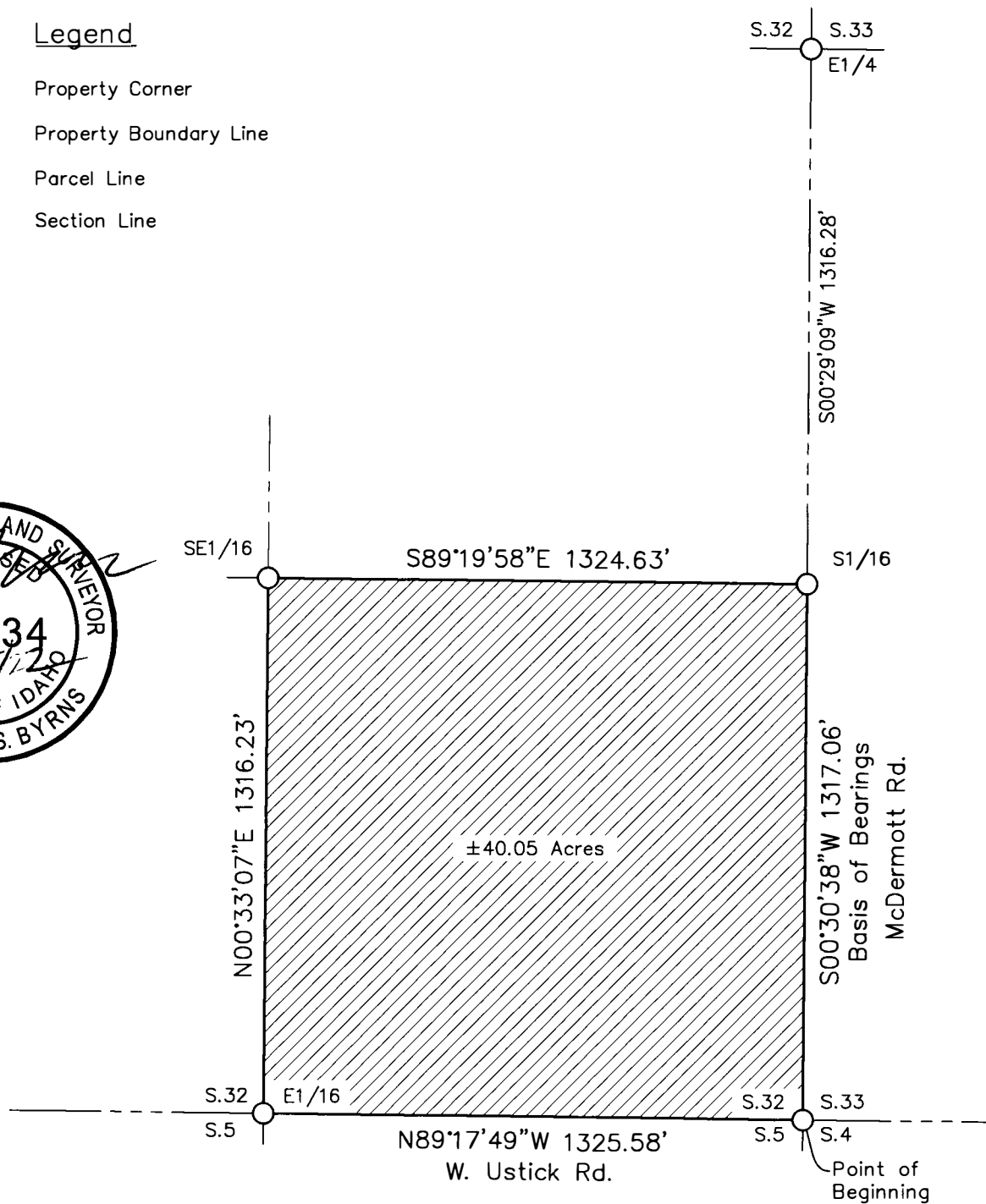
The above-described parcel contains 40.05 acres, more or less.





### Legend

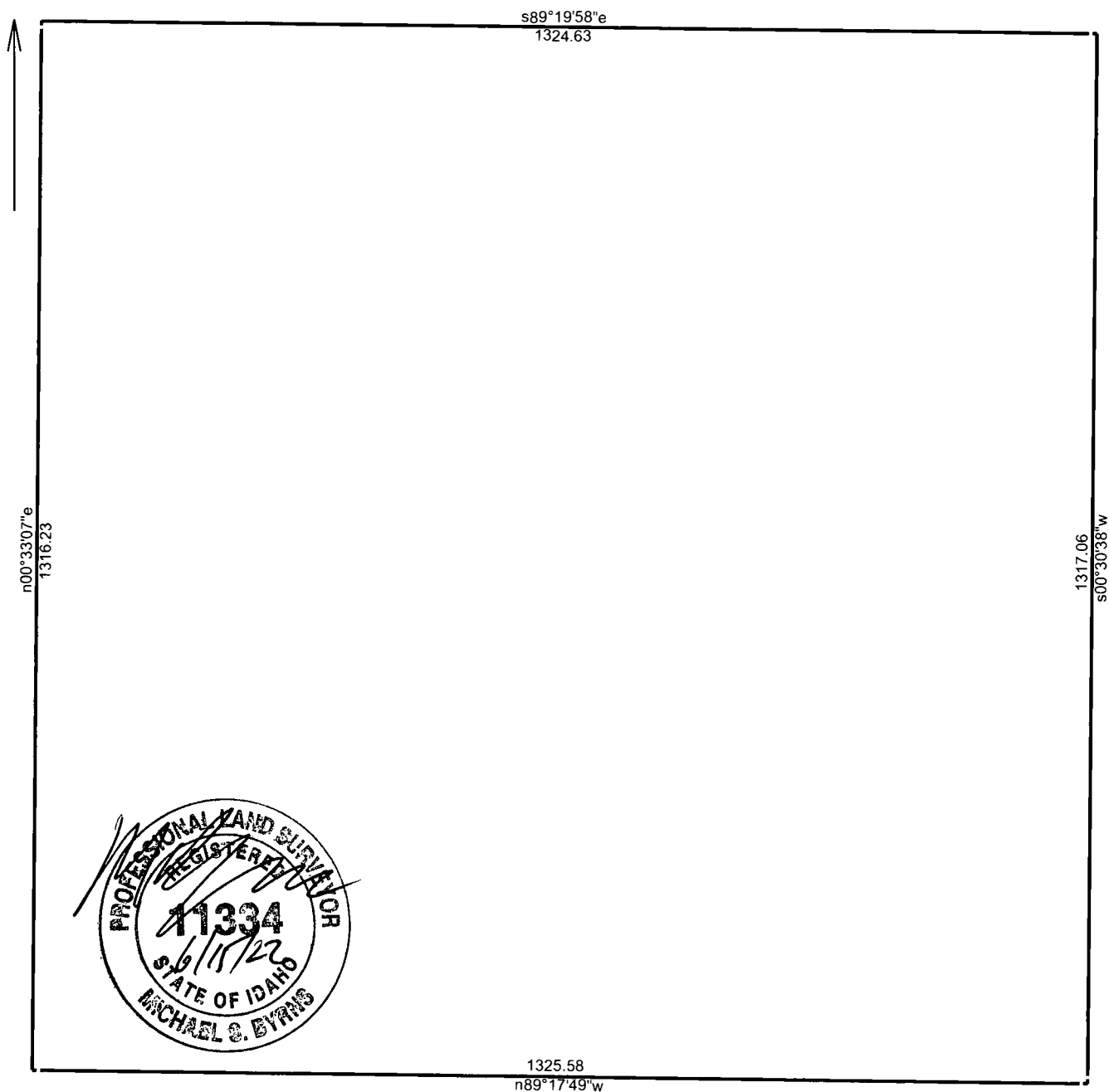
- Property Corner
- Property Boundary Line
- Parcel Line
- Section Line



P:\3235 N McDermott Rd Bndry 21-578\dwg\21-578 Annexation.dwg 6/15/2022 2:17:22 PM

|  |                                                    |                                                             |
|--|----------------------------------------------------|-------------------------------------------------------------|
|  | <b>IDAHO</b><br><b>SURVEY</b><br><b>GROUP, LLC</b> | 9955 W. EMERALD ST.<br>BOISE, IDAHO 83704<br>(208) 846-8570 |
|  |                                                    |                                                             |

|                                                                                                                                       |                        |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Exhibit Drawing for<br><b>Annexation</b>                                                                                              | Job No.<br>21-578      |
|                                                                                                                                       | Sheet No.<br>1         |
| Situated in the southeast quarter of the southeast quarter of Section 32,<br>Township 4 North, Range 1 West, B.M., Ada County, Idaho. |                        |
|                                                                                                                                       | Dwg. Date<br>6/15/2022 |



## Annexation Closure

6/15/2022

Scale: 1 inch= 200 feet

File:

Tract 1: 40.0525 Acres, Closure: n00.0000e 0.00 ft. (1/999999), Perimeter=5284 ft.

01 n89.1749w 1325.58

02 n00.3307e 1316.23

03 s89.1958e 1324.63

04 s00.3038w 1317.06



IDAHO  
SURVEY  
GROUP

9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570

Fax: (208) 884-5399

**McDermott Village Subdivision**

**Rezone C-G**

**Boundary Description**

*Project Number 21-578*

*August 17, 2022*

A parcel of land situated in the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

BEGINNING at the east sixteenth-section corner of Section 32, Township 4 North, Range 1 West, Boise Meridian, which bears N89°17'49"W, 1325.58 feet from the southeast corner of Section 32:

Thence N00°33'07"E, 448.20 feet along the west line of the southeast quarter of the southeast quarter;

Thence S89°17'13"E, 724.69 feet to the centerline of the future Highway 16;

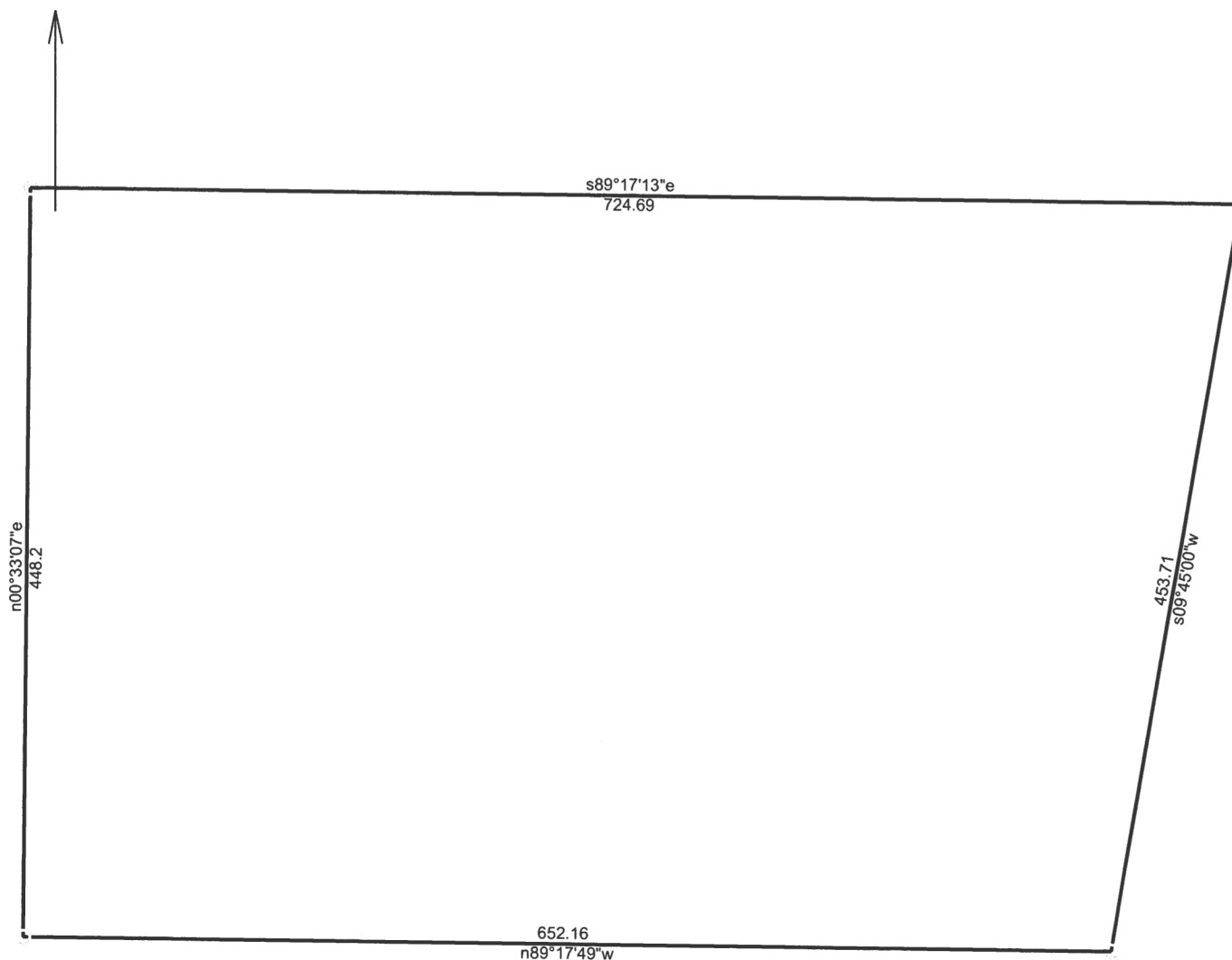
Thence S09°45'00"W, 453.71 feet along the centerline of the future Highway 16 to the south line of the southeast quarter of the southeast quarter;

Thence N89°17'49"W, 652.16 feet along the south line of the southeast quarter of the southeast quarter to the POINT OF BEGINNING.

The above-described parcel contains 7.08 acres, more or less.







## C-G Rezone Closure

8/17/2022

Scale: 1 inch= 100 feet

File:

Tract 1: 7.0824 Acres (308508 Sq. Feet), Closure: s39.0250w 0.01 ft. (1/288907), Perimeter=2279 ft.

01 n00.3307e 448.2  
 02 s89.1713e 724.69  
 03 s09.4500w 453.71  
 04 n89.1749w 652.16



IDAHO  
SURVEY  
GROUP

9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570

Fax: (208) 884-5399

**McDermott Village Subdivision**

**Rezone R-15**

**Boundary Description**

*Project Number 21-578 August 17, 2022*

A parcel of land situated in the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

BEGINNING at the southeast corner of Section 32, Township 4 North, Range 1 West, Boise Meridian:

Thence N89°17'49"W, 673.42 feet along the south line of the southwest quarter of the southwest quarter to the centerline of the future Highway 16;

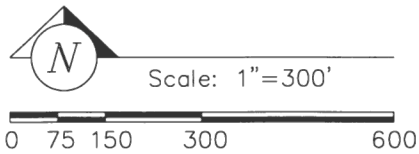
Thence N09°45'00"E, 1333.35 feet along the centerline of the future Highway 16 to the north line of the southeast quarter of the southeast quarter;

Thence S89°19'58"E, 459.33 feet along the north line of the southeast quarter of the southeast quarter to the south sixteenth-section corner;

Thence S00°30'38"W, 1317.06 feet along the east line of the southeast quarter of the southeast quarter to the POINT OF BEGINNING.

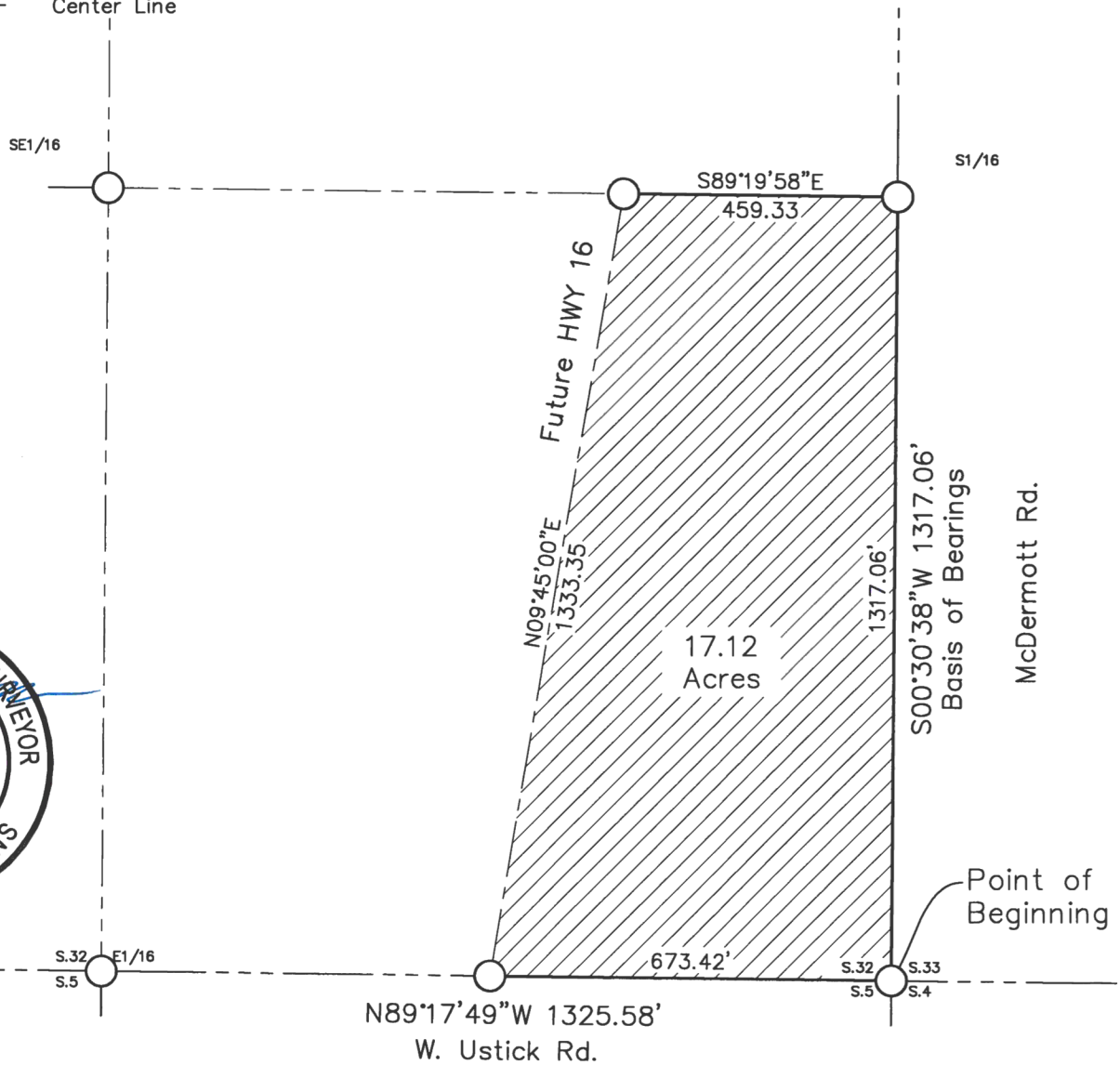
The above-described parcel contains 17.12 acres, more or less.





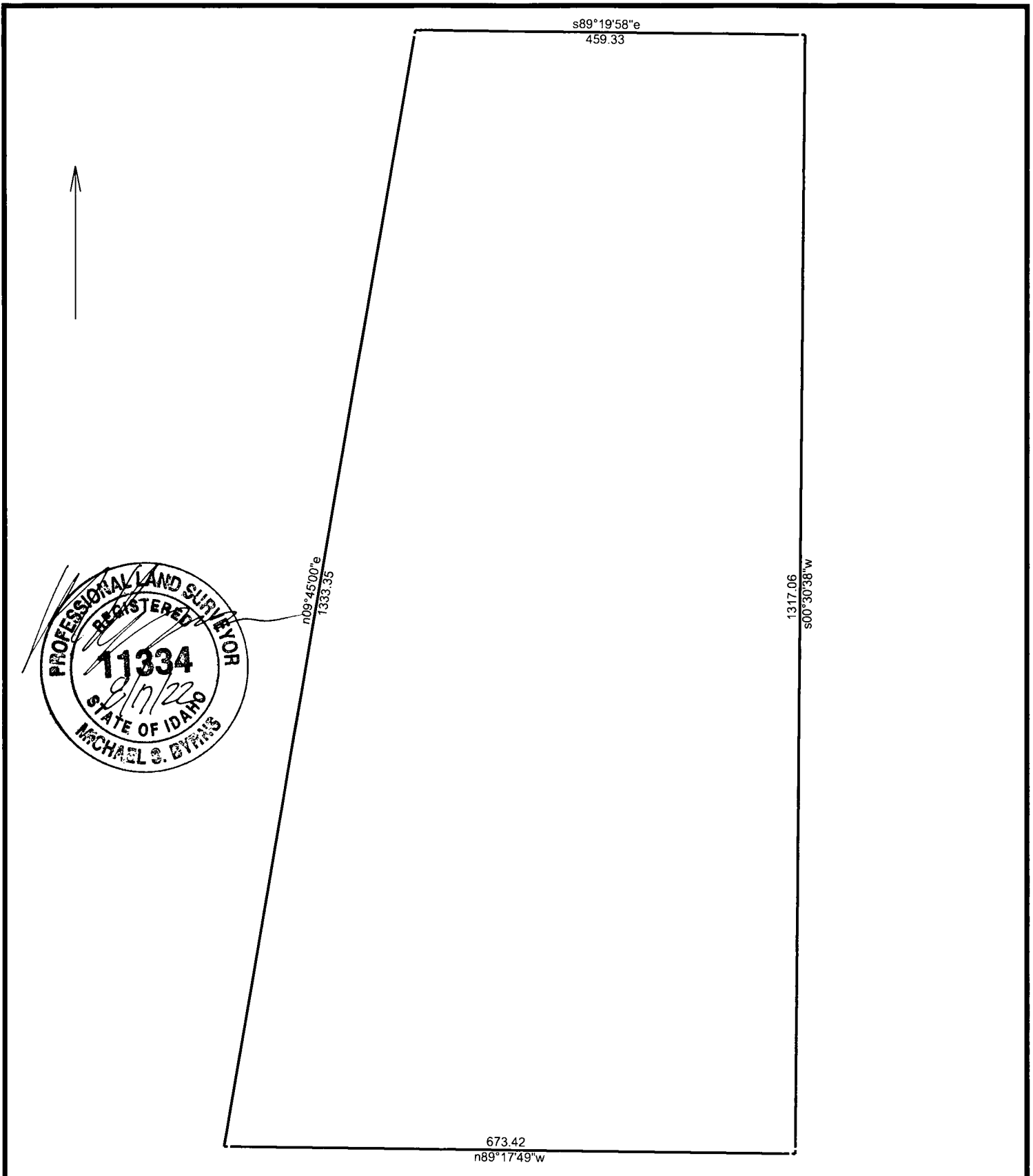
### Legend

-  Dimension Point
-  Zone Boundary Line
-  Parcel Line
-  Section Line
-  Center Line



P:\3235 N McDermott Rd Bndry 21-578\dwg\21-578 Rezone (R-15) Rev1.dwg 8/17/2022 5:10:27 PM

|                                                                                                                                                                                  |                                                                                                                                                                                    |                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
|  <b>IDAHO SURVEY GROUP, LLC</b><br>9955 W. EMERALD ST.<br>BOISE, IDAHO 83704<br>(208) 846-8570 | Exhibit Drawing for<br><b>R-15 Rezone</b><br>Situated in the southeast quarter of the southeast quarter of Section 32,<br>Township 4 North, Range 1 West, B.M., Ada County, Idaho. | Job No.<br>21-578                               |
|                                                                                                                                                                                  |                                                                                                                                                                                    | Sheet No.<br><b>1</b><br>Dwg. Date<br>8/17/2022 |



## R-15 Rezone Closure

8/17/2022

Scale: 1 inch= 150 feet

File:

Tract 1: 17.1223 Acres, Closure: n00.0000e 0.00 ft. (1/774457), Perimeter=3783 ft.

- 01 n89.1749w 673.42
- 02 n09.4500e 1333.35
- 03 s89.1958e 459.33
- 04 s00.3038w 1317.06



IDAHO  
SURVEY  
GROUP

9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570  
Fax: (208) 884-5399

**McDermott Village Subdivision**

**Rezone R-40**

**Boundary Description**

*Project Number 21-578 August 17, 2022*

A parcel of land situated in the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at the southeast corner of Section 32, Township 4 North, Range 1 West, Boise Meridian;

Thence N89°17'49"W, 1325.58 feet along the south line of the southeast quarter of the southeast quarter to the east sixteenth-section corner;

Thence N00°33'07"E, 448.20 feet along the west line of the southeast quarter of the southeast quarter to the POINT OF BEGINNING:

Thence continuing N00°33'07"E, 868.03 feet along the west line of the southeast quarter of the southeast quarter to the southeast sixteenth-section corner;

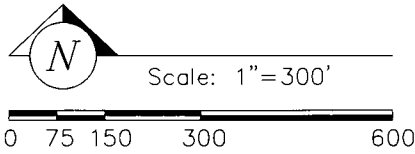
Thence S89°19'58"E, 865.29 feet along the north line of the southeast quarter of the southeast quarter to the centerline of the future Highway 16;

Thence S09°45'00"W, 879.64 feet along the centerline of the future Highway 16;

Thence N89°17'13"W, 724.69 feet to the POINT OF BEGINNING.

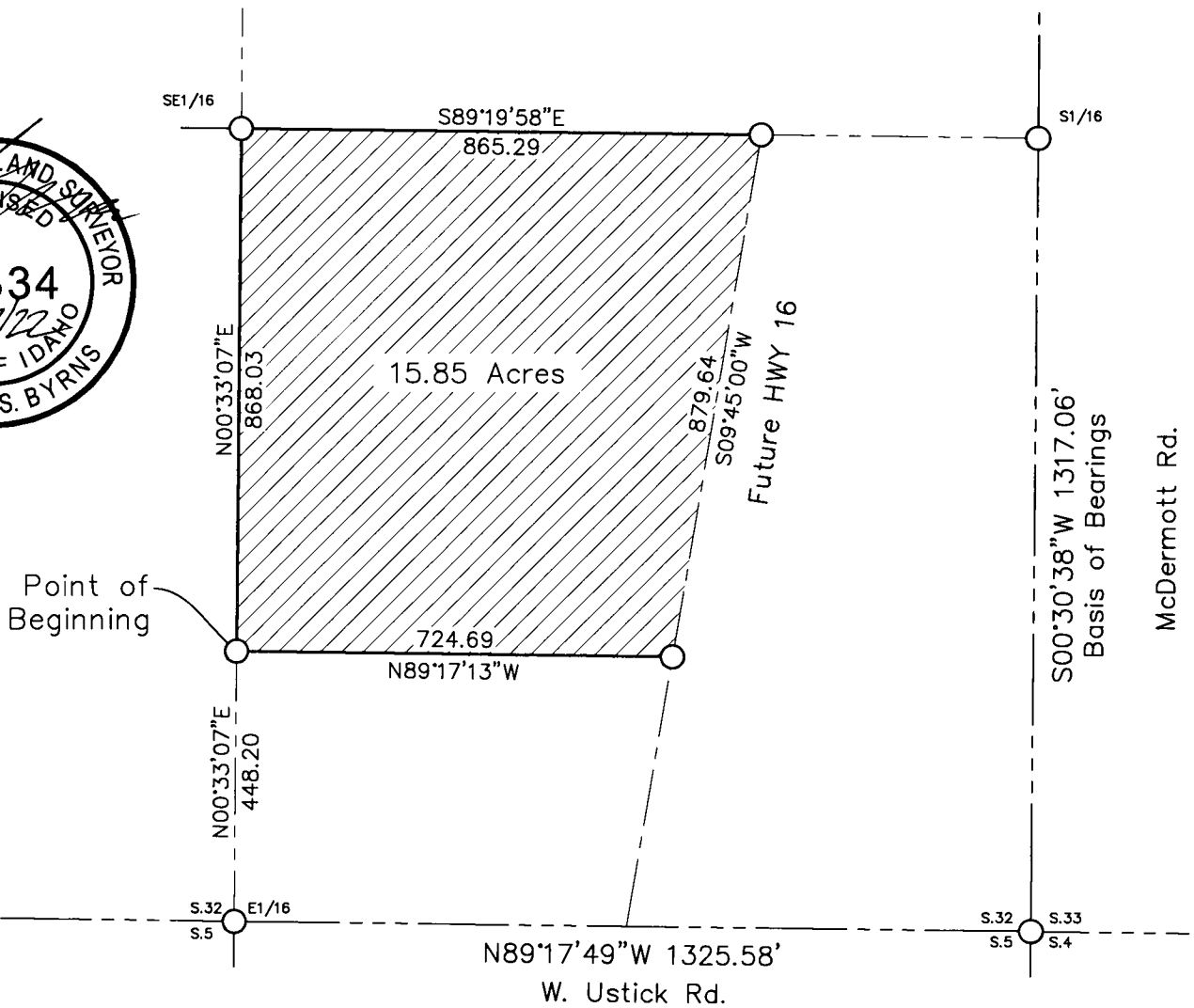
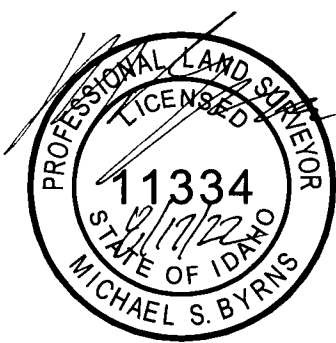
The above-described parcel contains 15.85 acres, more or less.





### Legend

- Dimension Point
- Zone Boundary Line
- Parcel Line
- Section Line
- Center Line



P:\3235 N McDermott Rd Bndry 21-578\dwg\21-578 Rezone (R-40) Rev1.dwg 8/17/2022 5:10:08 PM



**IDAHO  
SURVEY  
GROUP, LLC**

9955 W. EMERALD ST.  
BOISE, IDAHO 83704  
(208) 846-8570

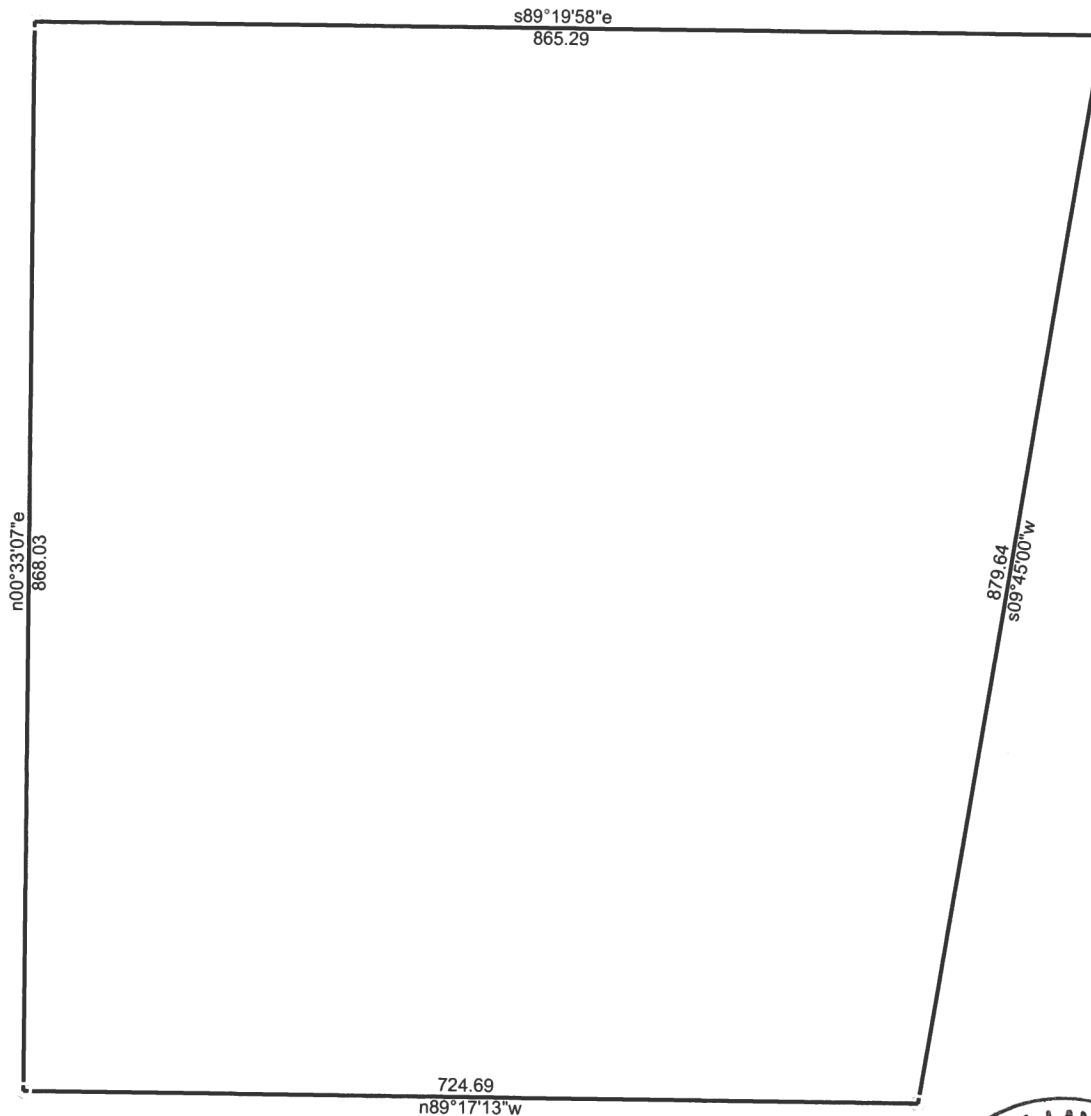
Exhibit Drawing for  
**R-40 Rezone**

Situated in the southeast quarter of the southeast quarter of Section 32,  
Township 4 North, Range 1 West, B.M., Ada County, Idaho.

Job No.  
21-578

Sheet No.  
**1**

Dwg. Date  
8/17/2022



## R-40 Rezone Closure

8/17/2022

Scale: 1 inch= 150 feet

File:

Tract 1: 15.8477 Acres, Closure: n71.4314e 0.01 ft. (1/432333), Perimeter=3338 ft.

01 n00.3307e 868.03  
02 s89.1958e 865.29  
03 s09.4500w 879.64  
04 n89.1713w 724.69

# EXHIBIT B

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



**In the Matter of the Request for Annexation of 40.05-Acres of Land with R-15 (17.12 acres), R-40 (15.85 acres) and C-G Zoning (7.08 acres); Preliminary Plat Consisting of 85 Building Lots [81 Townhome, One (1) Multi-Family and Three (3) Commercial] & Eight (8) Common Lots on 40.05-Acres of Land in the R-15, R-40 & C-G Zoning Districts; Conditional Use Permit for a Multi-Family Residential Development Consisting of 250 Dwelling Units on 12.19-Acres of Land in the R-40 Zoning District; and a Variance to UDC Table 11-2A-7 to Allow 44 of the 81 Townhome Lots on the Eastern Portion of the Development to be Reduced from 2,000 to 1,694 Square Feet, by Woodside Avenue Investors, LLC.**

**Case No(s). H-2022-0056 & VAR-2022-0004**

**For the City Council Hearing Date of: December 13, 2022 (Findings on December 20, 2022)**

### A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of December 13, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 13, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 13, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 13, 2022, 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

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION & ORDER  
FOR MCDERMOTT VILLAGE AZ CUP PP H-2022-0056 VAR-2022-0004

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 December 13, 2022, 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 with the requirement of a Development Agreement, conditional use permit, preliminary plat and variance is hereby approved per the provisions in the Staff Report for the hearing date of December 13, 2022, 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 Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. 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 conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

#### 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 December 13, 2022

By action of the City Council at its regular meeting held on the 20th day of December, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON

VOTED \_\_\_\_\_

COUNCIL MEMBER JESSICA PERREAULT

VOTED AYE

COUNCIL MEMBER LUKE CAVENER

VOTED AYE

COUNCIL MEMBER TREG BERNT

VOTED \_\_\_\_\_

COUNCIL MEMBER LIZ STRADER

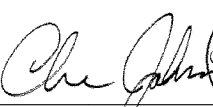
VOTED AYE

MAYOR ROBERT SIMISON  
(TIE BREAKER)

VOTED \_\_\_\_\_

  
\_\_\_\_\_  
Mayor Robert E. Simison 12-20-2022  
By Brad Hoaglund, Council President

Attest:

   
\_\_\_\_\_  
Chris Johnson 12-20-2022  
City Clerk

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

By:  \_\_\_\_\_ Dated: 12-20-2022  
City Clerk's Office

# STAFF REPORT

## COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: December 13, 2022

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner

208-884-5533

SUBJECT: H-2022-0056; VAR-2022-0004  
McDermott Village – AZ, CUP, PP, VAR

LOCATION: 3235 N. McDermott Rd. at the northwest corner of W. Ustick Rd. & N. McDermott Rd., in the SE 1/4 of Section 32, T.4N., R.1W. (Parcel #S0432429360 & #S0432429355)



### I. PROJECT DESCRIPTION

Annexation of 40.05 acres of land with R-15 (17.12 acres), R-40 (15.85 acres) and C-G zoning (7.08 acres); Preliminary plat consisting of 85 building lots (81 townhome, 1 multi-family and 3 commercial) & 8 common lots on 40.05 acres of land in the R-15, R-40 & C-G zoning districts; and Conditional Use Permit for a multi-family residential development consisting of 250 dwelling units on 12.19 acres of land in the R-40 zoning district.

A Variance is also requested to UDC Table 11-2A-7 to allow 44 of the 81 townhome lots on the eastern portion of the development to be reduced from 2,000 to 1,694 square feet.

### II. SUMMARY OF REPORT

#### A. Project Summary

| Description                                                   | Details                                                                                                                                              |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acreage                                                       | 40.05-acres (AZ); 40.05-acres (PP); 12.19-acres (CUP)                                                                                                |
| Existing/Proposed Zoning                                      | RUT in Ada County (existing); R-15, R-40 & C-G (proposed)                                                                                            |
| Future Land Use Designation                                   | Mixed Use – Regional (MU-R)                                                                                                                          |
| Existing Land Use(s)                                          | Vacant/undeveloped land used for agricultural purposes                                                                                               |
| Proposed Land Use(s)                                          | Mix of commercial (fuel sales facility & convenience store and flex commercial/office); and residential (i.e. multi-family apartments and townhomes) |
| Lots (# and type; bldg./common)                               | 85 buildable lots (81 townhome lots, 1 multi-family lot & 3 commercial lots) and 8 common lots                                                       |
| Phasing Plan (# of phases)                                    | 3 phases                                                                                                                                             |
| Number of Residential Units (type of units)                   | 250 multi-family apartment units & 81 townhome units                                                                                                 |
| Physical Features (waterways, hazards, flood plain, hillside) | The Eight Mile Lateral runs across the northeast corner of this site and the Sky Pilot Drain runs across the southern portion of the site.           |
| Neighborhood meeting date                                     | 5/25/22                                                                                                                                              |

| Description                  | Details |
|------------------------------|---------|
| History (previous approvals) | None    |

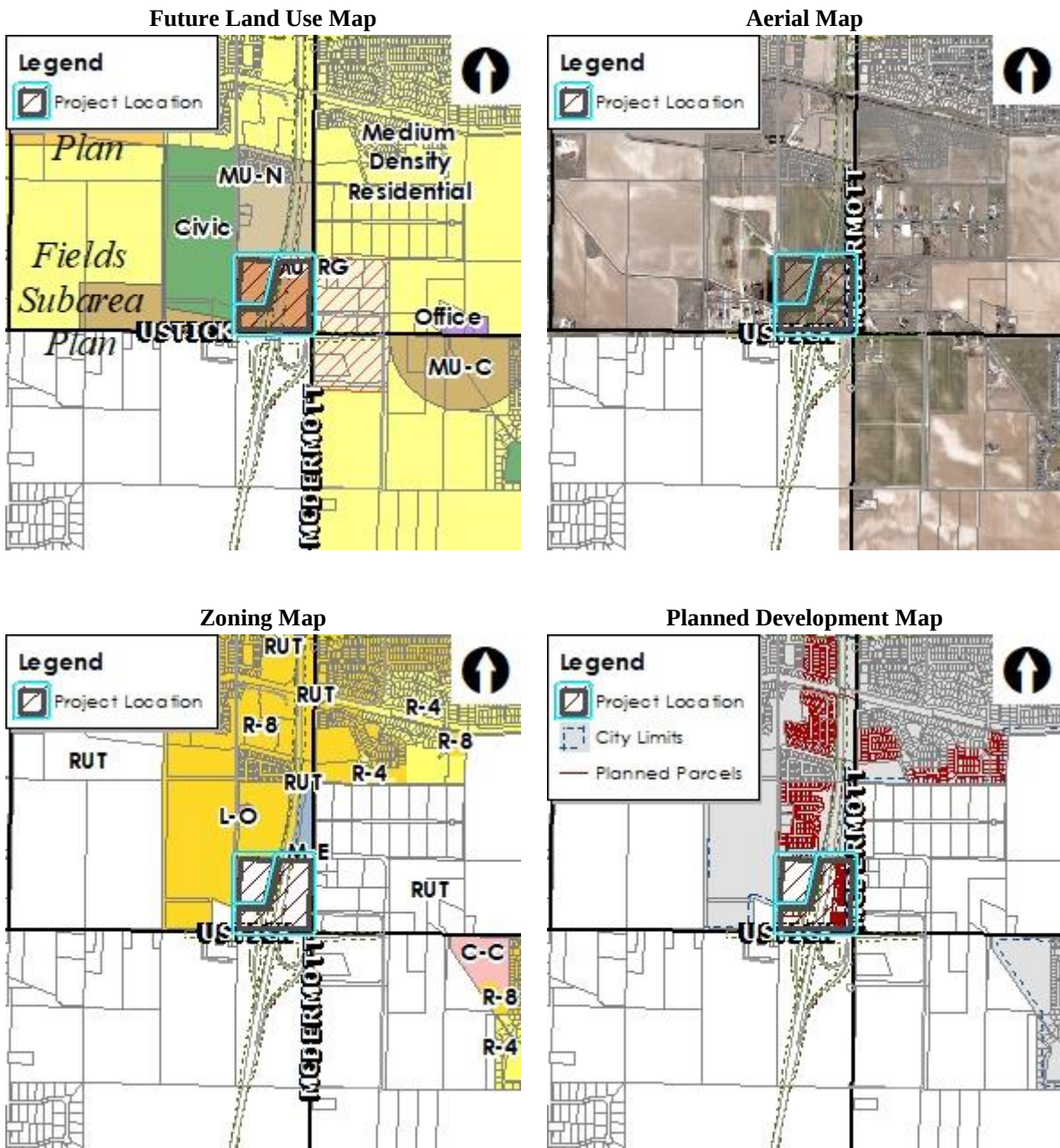
## B. Community Metrics

| Description                                                                                                                | Details                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                           |                            |                               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|----------------------------|-------------------------------|----------------------------|-------------------------------|-------------|------------|--------------------|-----|-----------------|----------------|------------|------------|-----|-----------------|
| Ada County Highway District                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                           |                            |                               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| <ul style="list-style-type: none"><li>• Staff report (yes/no)</li><li>• Requires ACHD Commission Action (yes/no)</li></ul> | Yes<br>No<br>A Traffic Impact Study (TIS) was prepared by Kittleson & Associates, Inc.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                           |                            |                               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)                                                        | One access is proposed via S. Rolling Hill Dr. from E. Overland Rd. to the south; and two driveways will provide access from the commercial development to the west via S. Silverstone Way from E. Overland Rd. (a signalized intersection exists at Silverstone/Overland)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                           |                            |                               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| Traffic Level of Service                                                                                                   | <table><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><tr><td>Ustick Road</td><td>1,304-feet</td><td>Principal Arterial</td><td>321</td><td>Better than "E"</td></tr><tr><td>McDermott Road</td><td>1,304-feet</td><td>Collector*</td><td>100</td><td>Better than "D"</td></tr></table>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Roadway                   | Frontage                   | Functional Classification     | PM Peak Hour Traffic Count | PM Peak Hour Level of Service | Ustick Road | 1,304-feet | Principal Arterial | 321 | Better than "E" | McDermott Road | 1,304-feet | Collector* | 100 | Better than "D" |
| Roadway                                                                                                                    | Frontage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Functional Classification | PM Peak Hour Traffic Count | PM Peak Hour Level of Service |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| Ustick Road                                                                                                                | 1,304-feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Principal Arterial        | 321                        | Better than "E"               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| McDermott Road                                                                                                             | 1,304-feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Collector*                | 100                        | Better than "D"               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| Stub Street/Interconnectivity/Cross Access                                                                                 | A public stub street is planned to the north boundary of this property with the Aviator Springs development (H-2021-0065). W. Endeavor St. to the west is planned to stub/connect to the west boundary of this property when the abutting Flower property (#S0432438850) re-develops.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                           |                            |                               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| Existing Road Network                                                                                                      | N. McDermott Rd., a residential collector street & entryway corridor; and W. Ustick Rd., a residential arterial street & entryway corridor, abut this site along the south and east property boundaries.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                           |                            |                               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| Existing Arterial Sidewalks / Buffers                                                                                      | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                           |                            |                               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |
| Proposed Road Improvements                                                                                                 | <b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b> <ul style="list-style-type: none"><li>• The intersection of Ustick Road and McDermott Road is scheduled in the IFYWP to be widened and reconstructed with design in 2026 and construction in the future.</li><li>• Ustick Road is listed in the IFYWP and CIP to be widened to 5-lanes from Star Road to McDermott Road with design in 2026 and construction in the future.</li><li>• Star Road is listed in the CIP to be widened to 5-lanes from Ustick Road to McMillan Road between 2031 and 2035.</li><li>• The intersection of Ustick Road and Star Road is listed in the CIP to be widened to 4-lanes on the north leg, 4-lanes on the south, 5-lanes east, and 5-lanes on the west leg, and signalized between 2031 and 2035.</li></ul> SH-16 is planned to extend north/south through this property and an interchange is proposed at Ustick Rd. |                           |                            |                               |                            |                               |             |            |                    |     |                 |                |            |            |     |                 |

| West Ada School District                                                                                                               | Enrollment | Capacity | Approved lots per attendance area | Approved MF units per attendance area | Projected Students from Approved Dev. |
|----------------------------------------------------------------------------------------------------------------------------------------|------------|----------|-----------------------------------|---------------------------------------|---------------------------------------|
| Pleasant View Elementary                                                                                                               | 614        | 650      | 3322                              | 100                                   | 970                                   |
| Star Middle School                                                                                                                     | 893        | 1000     | 9667                              | 321                                   | 880                                   |
| Owyhee High School                                                                                                                     | 1785       | 1800     | 6229                              | 137                                   | 829                                   |
| <b>School of Choice Options</b>                                                                                                        |            |          |                                   |                                       |                                       |
| Chief Joseph Elementary – Arts                                                                                                         | 524        | 700      | N/A                               | N/A                                   |                                       |
| Barbara Morgan STEM Academy                                                                                                            | 421        | 500      | N/A                               | N/A                                   |                                       |
| <ul style="list-style-type: none"> <li>Distance (elem, ms, hs)</li> <li>Capacity of Schools</li> <li># of Students Enrolled</li> </ul> |            |          |                                   |                                       |                                       |

| Description                                                                                                   | Details                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Predicted # of students generated from proposed development</li> </ul> | 73 +/-                                                                                                                                                             |
| Police Service                                                                                                |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Distance to Police Station</li> </ul>                                  | 7.5 miles                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>Police Response Time</li> </ul>                                        | 6:59 minutes - doesn't currently meet response time goal of 3-5 minutes; however, response times will drastically decline when the MPD precinct opens in the Fall. |
| <ul style="list-style-type: none"> <li>Calls for Service</li> </ul>                                           | 313 within a mile of the site between 6/1/20 and 5/31/22                                                                                                           |
| <ul style="list-style-type: none"> <li>Accessibility</li> </ul>                                               | PD requests police access into each building's entry point using a multi-technology keypad                                                                         |
| <ul style="list-style-type: none"> <li>Specialty/resource needs</li> </ul>                                    | None – MPD can service this development & already serves this area.                                                                                                |
| <ul style="list-style-type: none"> <li>Crimes</li> </ul>                                                      | 54 within a mile of the site between 6/1/20 and 5/31/22                                                                                                            |
| <ul style="list-style-type: none"> <li>Crashes</li> </ul>                                                     | 8 within a mile of the site between 6/1/20 and 5/31/22                                                                                                             |
| <ul style="list-style-type: none"> <li>Other</li> </ul>                                                       | For more info, see Section VIII.D                                                                                                                                  |
| Wastewater                                                                                                    |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>                                  |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Sewer Shed</li> </ul>                                                  |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Estimated Project Sewer ERU's</li> </ul>                               |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>WRRF Declining Balance</li> </ul>                                      | 14.42 MGD                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>        | Yes                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>Impacts/concerns</li> </ul>                                            | Additional 11,691 gpd committed to model.                                                                                                                          |
|                                                                                                               |                                                                                                                                                                    |
|                                                                                                               |                                                                                                                                                                    |
| Water                                                                                                         |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Distance to Water Services</li> </ul>                                  |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Pressure Zone</li> </ul>                                               |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Estimated Project Water ERU's</li> </ul>                               |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Water Quality Concerns</li> </ul>                                      |                                                                                                                                                                    |
| <ul style="list-style-type: none"> <li>Project Consistent with Water Master Plan</li> </ul>                   | Yes                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>                                            |                                                                                                                                                                    |

C. Project Area Maps



A. Applicant:

Todd Tucker, Boise Hunter Homes – 729 S. Bridgeway Pl., Eagle, ID 83616

B. Owners:

James Hunter, Woodside Avenue Investors, LLC – 923 S. Bridgeway Pl., Eagle, ID 83616

C. Representative:

Same as Applicant

### III. NOTICING

|                                                        | Planning & Zoning<br>Posting Date | City Council<br>Posting Date |
|--------------------------------------------------------|-----------------------------------|------------------------------|
| Notification published in newspaper                    | 10/19/2022                        | 11/27/2022                   |
| Notification mailed to property owners within 300 feet | 10/13/2022                        | 11/22/2022                   |
| Applicant posted public hearing notice on site         | 10/24/2022                        | 12/2/2022                    |
| Nextdoor posting                                       | 10/13/2022                        | 11/28/2022                   |

### IV. COMPREHENSIVE PLAN ANALYSIS ([Comprehensive Plan](#))

**Land Use:** The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Mixed Use – Regional (MU-R). *Note: The Applicant requested this designation as part of the update to the Comprehensive Plan in 2019.*

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D (pg. 3-17). Sample uses, appropriate in MU-R areas would include: All MU-N and MU-C categories, entertainment uses, major employment centers, clean industry, and other appropriate regional-serving most uses. Sample zoning include: R-15, R-40, TN-C, C-G, and M-E

**Transportation:** State Highway (SH) 16 is planned to extend through this site and an interchange is planned at Ustick Rd.

ACHD's Master Street Map doesn't depict any collector streets planned across this site. The segment of Ustick Rd. that this site fronts on is designated on the MSM as a residential arterial with 5-lanes and on-street bike lanes within 100-feet of right-of-way. The segment of McDermott Rd. that the townhome portion of the development fronts on is designated on the MSM as a residential collector with 3-lane roadway, a 46-foot street section within 74-feet of ROW. Due to the extension of SH-16, sidewalk is required on only the east side of the roadway.

Transit services are not available to this site.

**Proposed Development:** The Applicant proposes to develop the site with two (2) land use types – commercial (includes retail, restaurants, etc.) and residential (i.e. multi-family and townhome). No employment or public uses are proposed and it's unlikely any of the proposed uses will have a regional draw. The site is designed with the commercial uses along Ustick Rd., an arterial street, with an integrated plaza area between the two northern buildings and multi-family development to the north along future SH-16. Townhomes are proposed on the east side of future SH-16 along N. McDermott Rd., a collector street. The proposed development is generally consistent with the conceptual MU-R plan in the Comprehensive Plan.

This is the only property in this area with a MU-R designation; that along with the property being bisected by SH-16 in the future, which reduces the size of the property from 40 acres to 26.5 acres, makes it difficult to develop the property entirely consistent with the MU-R designation. Additionally, because an interchange is planned in this area and access is limited, the Comprehensive Plan states retail and auto-generated services should be minimized and transition rapidly from the

interchange to residential uses near the County line, which the plan proposes. For these reasons, Staff is amenable to only two (2) land uses and the lower intensity of uses (i.e. primarily residential) proposed rather than more intense commercial uses as is typically desired in the MU-R designation. Additionally, because of the bifurcation of this property with the SH-16 extension, interconnectivity and a full integration of uses within the overall site is not possible as typically desired in mixed use designated areas.

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

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

*The proposed 26.5-acre development (after right-of-way is taken out for SH-16) includes two types of land uses – commercial and residential. Because this is the only MU-R designated property in this area and the site is not very large and will be divided by a state highway, Staff is of the opinion the proposed number of land use types is sufficient.*

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

*The proposed development includes 250 multi-family units at a gross density of 20.5 units per acre. The multi-family portion of the project is located along the west side of future SH-16 and at the northwest corner of the future interchange at Ustick Rd. An employment destination center is not proposed but Owyhee High School exists directly to the west. High-density development is desired near schools so that students can walk to school, reducing bussing needs and traffic in the area.*

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

*A conceptual development plan was submitted with the annexation request, included in Section VII.B. A Development Agreement that ties future development to this plan and the general guidelines for mixed use developments and specifically the MU-R designation is recommended as a provision of annexation.*

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

*The conceptual development plan depicts a common plaza area between the northern two commercial buildings with a pedestrian walkway to the area from the southern lot (fuel facility/convenience store).*

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

*There is an existing low-density residential property along the west boundary of the site south of the Sky Pilot Drain adjacent to the proposed commercial uses. A public street (N. Glassford Ave.) is proposed between the commercial buildings and the residential property but a buffer is not proposed to the residential property. A landscaped street buffer is proposed on the east side of the street. **Per UDC [Table 11-2B-3](#), a minimum 25-foot wide landscaped buffer is required on C-G zoned properties to residential uses, unless such width is otherwise modified by City Council at a public hearing with notice to surrounding property owners.***

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

*No such uses are specifically proposed in this development – the tenants of the commercial buildings are unknown at this time. Owyhee High School is located directly to the northwest of this site and an LDS seminary and Boys & Girls Club has been conceptually approved to develop on the adjacent property to the north next to the school in close proximity to this site. Although these uses are not within the MU-R designation, they are still provided nearby.*

- “Supportive and proportional public and/or quasi-public spaces and places including but not limited to parks, plazas, outdoor gathering areas, open space, libraries, and schools are expected; outdoor seating areas at restaurants do not count.”

*A plaza/gathering area is depicted on the conceptual development plan between the two northern commercial buildings; there are no other public and/or quasi-public spaces or places proposed. As noted above, a high school exists to the northwest and an LDS seminary and a Boys & Girls Club are planned to develop in the Aviator Springs development directly to the north.*

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

*No such spaces are proposed on the conceptual development plan. Although a “mix” of uses (i.e. commercial & residential) are proposed, Staff wouldn’t consider this a true mixed-use development due to the lack of integration and connectivity within the overall site, which isn’t possible due to the extension of SH-16 through the property. A plaza/common open space area is depicted between the two (2) northern commercial buildings, which Staff feels is appropriate given the development limitations for this site.*

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

*The proposed commercial portion of the development is directly accessible to the multi-family residential portion of the development to the north and the single-family development further to the north (Aviator Springs) by both vehicles and pedestrians.*

*Future SH-16 will separate the commercial and multi-family development from the townhome development making it impossible for these uses to be directly accessible. Pedestrian pathways are proposed throughout the commercial and multi-family development and a 10-foot wide pathway is proposed to the single-family development to the north for connectivity.*

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

*A roadway, parking area and landscape buffer is proposed between the commercial and multi-family development (150’ between structures); and a 2-way drive aisle with parking on either side and a landscape buffer is proposed between the proposed multi-family and future single-family development to the north (115’ between uses) as a transition and buffer between uses.*

- “Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein.”

*The subject property is not located in Old Town; therefore, this item is not applicable.*

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

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

*Staff's analysis on the proposed project's compliance with these guidelines is included above.*

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

*Residential uses are proposed over 86% of the development area at an overall gross density of 14.58 units/acre, consistent with the density desired in MU-R designated areas. The gross density of the multi-family portion is 20.5 units/acre and the townhome portion is 7.71 units/acre.*

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

*Retail/commercial uses are only proposed to comprise of 14% of the development area in accord with this guideline.*

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

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

*This guideline is not applicable as no public/quasi-public uses are proposed on this site and the retail development area is below the allowed 50%.*

**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. Urban services are available to be provided upon development.*

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

*The proposed retail/commercial uses should be compatible with the existing low-density residential use to the west if a 25-foot wide buffer is provided with dense landscaping as required by UDC Table 11-2B-3 and 11-3B-9C.1 to minimize conflicts between land uses. The proposed multi-family development should be compatible with future single-family residential uses to the north in Aviator Springs subdivision with the proposed separation in uses by drive aisles, parking and a densely landscaped buffer to minimize conflicts between higher and lower density residential uses; and to the high school to the west. The proposed townhomes should be compatible with existing low-density residential properties across McDermott Rd. to the east and any future redevelopment of that area with MU-I (Mixed Use – Interchange) uses; and also, the future research and development use to the north, which is proposed to be separated by a 75-foot wide densely landscaped buffer.*

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

*The proposed apartments and townhomes will provide housing in close proximity to Owyhee High School which will reduce bussing and vehicle trips in the area. The proposed retail/commercial uses should provide benefits to future residents of being able to live, shop and possibly work nearby enhancing overall livability and sustainability.*

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

*The conceptual development plan depicts pedestrian pathways throughout the commercial and multi-family residential developments and to the adjacent single-family residential development to the north (Aviator Springs) for interconnectivity.*

- “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 though this development in accord with current City plans.*

- “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 and Fire Dept. currently fall outside of response time goals; however, when the new MPD precinct opens in Fall of 2023 and Fire Station #8 is constructed and staffed in late summer of 2023, response time goals will be met.*

- “With new subdivision plats, require the design and construction of pathway 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)

***Safe pathway connections should be provided from the proposed multi-family development to the abutting high school to the west. Usable open space and quality amenities are proposed with the multi-family development that exceed UDC standards.***

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

***A minimum 35-foot wide landscaped street buffer is required to be provided along future SH-16 and N. McDermott Rd., both designated entryway corridors. Noise mitigation is required within the buffer along future SH-16 per the standards listed in UDC [11-3H-4D](#) for residential uses adjoining a state highway.***

- “Evaluate the feasibility of annexing existing county enclaves and discourage the creation of additional enclaves.” (3.03.03I)

***This property abuts City annexed land to the north and west; a large enclave area of County land exists to the east. This area is largely sprawl with a lot of properties still in Ada County to the east and southeast. The land directly to the south is within Canyon County’s Area of City Impact boundary. Annexation of this property will not create additional enclaves and will actually decrease the existing enclave area.***

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

***Urban infrastructure as noted is required to be provided with development in accord with UDC standards.***

***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:**

The proposed annexation is for 40.05 acres of land with R-15 (17.12 acres), R-40 (15.85 acres) and C-G zoning (7.08 acres). The proposed use of the property will include a mix of commercial uses, including a fuel sales facility & convenience store and flex commercial/office (tenants have not been identified at this time) on 3.8 acres in the C-G district, multi-family residential apartments on 12.19 acres in the R-40 district, and townhomes on 10.51 acres of land in the R-15 district. The right-of-way proposed to be dedicated for the future extension of SH-16 consists of 13.55 acres of land.

A conceptual development plan was submitted, included in Section VII.B below that shows how the overall property is planned to develop. Based on the analysis above in Section IV, Staff is of the opinion the proposed annexation, zoning and development plan is generally consistent with the Comprehensive Plan with the provisions noted in Section VIII as discussed herein.

A multi-family development requires approval of a Conditional Use Permit (CUP) in the R-40 zoning district, subject to the specific use standards for such listed in UDC [11-4-3-27](#), and townhouse dwellings are listed as a principal permitted use in the R-15 zoning district per UDC [Table 11-2A-2](#). Commercial/retail and fuel sales facility uses are listed as a principal permitted use in the C-G zoning district per UDC [Table 11-2B-2](#), fuel sales facilities are subject to the

specific use standards listed in UDC [11-4-3-20](#). Other uses may be allowed as noted in the Allowed Uses in the Commercial Districts [Table 11-2B-2](#).

The proposed uses and zoning districts are listed as appropriate uses and zoning in the Comprehensive Plan for the MU-R designated area.

The property is contiguous to City annexed land and is within the City's Area of City Impact boundary. A legal description and exhibit map of the overall annexation area is included in Section VII.A.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure future development is consistent with the Comprehensive Plan and with the development plan proposed with this application, Staff recommends a DA is required with this application, containing the provisions noted in Section VIII.A, as discussed herein.**

#### B. Preliminary Plat:

The proposed preliminary plat consists of 85 building lots (81 townhome, 1 multi-family and 3 commercial) & 8 common lots on 40.05 acres of land in the R-15, R-40 & C-G zoning districts.

The Applicant anticipates the development will be constructed in three (3) phases with the multi-family development first, the townhomes second and the commercial last unless they get a demand for the commercial, then it might be second.

#### **Existing Structures/Site Improvements:**

There are no existing structures or improvements on this site.

#### **Dimensional Standards:**

Development of the proposed lots is required to comply with the dimensional standards listed in UDC Tables [11-2A-7](#) for the R-15 district and [11-2A-8](#) for the R-40 district; and UDC Table [11-2B-3](#) for the C-G zoning district. **Some of the R-15 zoned lots do not comply with the minimum lot size of 2,000 square feet per dwelling units; revisions are necessary to comply. Zero (0) lot lines should be graphically depicted on the plat on the internal lot lines where the townhomes are proposed (i.e. where structures are proposed to span across lot lines).**

#### **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.

**Road Improvements [Capital Improvements Plan (CIP)/Integrated Five Year Work Plan (IFYWP)]:** The intersection of Ustick Road and McDermott Road is scheduled in the IFYWP to be widened and reconstructed with design in 2026 and construction in the future. Ustick Road is listed in the IFYWP and CIP to be widened to 5- lanes from Star Road to McDermott Road with design in 2026 and construction in the future. Star Road is listed in the CIP to be widened to 5- lanes from Ustick Road to McMillan Road between 2031 and 2035. The intersection of Ustick Road and Star Road is listed in the CIP to be widened to 4- lanes on the north leg, 4- lanes on the south, 5- lanes east, and 5- lanes on the west leg, and signalized between 2031 and 2035. See *ACHD's staff report in Section VIII.I for more information.*

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

A public street access is proposed via W. Ustick Rd., an arterial street, to the portion of the site west of future SH-16. A stub street is proposed to the property to the north (Aviator Springs) to connect to a planned stub street to this property. Another stub street (W. Endeavor St.) is proposed to the school property to the west for future extension and connection to N. Owyhee Storm Ave., a collector street. Alleys/private streets are depicted on the plat in the proposed

multi-family development. Private streets should be provided for addressing purposes. **A private street application should be submitted prior to or concurrent with the final plat application.**

Two (2) accesses are proposed via N. McDermott Rd., a collector street, to the portion of the site east of future SH-16. McDermott Rd. is planned to dead-end in a cul-de-sac just north of Ustick Rd. and not connect to Ustick when the interchange is constructed. An emergency only access is proposed out to W. Ustick Rd. that has been approved by the Fire Dept.; ITD has verified that this access does not touch or abut the State Highway system. **The bollards should be located completely outside of the right-of-way.** ITD's roadway plans for the existing Ustick/McDermott Rd. intersection are included in Section VIII.I. Alleys are proposed for access to the townhome units located north of W. Aspenstone St. and south of Beechstone St. All alleys must comply with the standards listed in UDC [11-6C-3B.5](#). The proposed alleys appear to comply with these standards.

**Cross-access/ingress-egress easements should be provided between all C-G zoned commercial lots in the subdivision via a note on the final plat or a separate recorded easement.**

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

The Pathways Master Plan depicts a 10-foot wide multi-use pathway along W. Ustick Rd. on this site; a 10-foot wide pathway is depicted on the landscape plan as required.

**A 10-foot wide multi-use pathway is proposed within the street buffer along the west side of N. Glassford Ave., consistent with the developments to the north, which crosses to the east at the north boundary of the site within the buffer along SH-16 which will connect to the pathway planned to the north in Aviator Springs. A 14-foot wide public use easement is required for the pathway; the easement should be submitted to the Planning division prior to submittal for City Engineer signature on the final plat.**

Internal pedestrian pathways are proposed throughout the central common open space area and to the commercial development to the south.

**Safe pathway connections should be provided from the proposed multi-family development to the abutting high school to the west.**

**Sidewalks (UDC [11-3A-17](#)):**

Detached sidewalks are required along all collector and arterial streets; attached sidewalks may be provided along local streets. Sidewalks are not required along I-84; however, a pathway is proposed within the buffer. **ACHD is requiring a sidewalk to be constructed off-site along one side of S. Rolling Hill Dr. with development of this site.**

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

Street buffers are required to be provided as follows: A minimum 35-foot wide buffer is required along future SH-16 and the interchange and along N. McDermott Rd., entryway corridors; a minimum 25-foot wide buffer is required along the western portion of W. Ustick Rd., an arterial street; and a minimum 10-foot wide buffer is required along local streets in the C-G zoning district, measured per the standards listed in UDC [11-3B-7C.1a](#). **Landscaping is required within the street buffer as set forth in UDC [11-3B-7C](#) (see updated standards).** Street buffers are required to be maintained by the property owner or business owners' association and should be depicted on the plat in a common lot or permanent dedicated buffer per UDC [11-3B-7C.2b](#).

**Landscaping is required adjacent to all pathways in accord with the standards listed in UDC [11-3B-12C](#).**

**Depict landscaping within common open space areas as set forth in UDC 11-3G-5B.3.**

**The City Arborist requests a change in tree selection of the Fraxinus Pennsylvanica “Marshall’s Seedless” Green Ash is changed to another variety due to a future threat of Emerald Ash Borer.**

There are no existing trees on the site to be removed or that require mitigation.

**Common Open Space (UDC [11-3G-3B](#)):** A minimum of 15% *qualified* open space is required to be provided within the townhome portion of the development that meets the quality standards listed in UDC 11-3G-3A.2. Based on 10.51 acres, a minimum of 1.58 acres of qualified open space is required. A total of 3.33 acres of qualified open space is proposed on the open space exhibit included in Section VII.F in excess of UDC standards (i.e red hatched areas). Open space areas consist of open grassy areas of at least 5,000 square feet and linear open space.

**Site Amenities (UDC [11-3G-4](#)):** A minimum of 2 points of site amenities are required based on 10.51 acres of development area from the Site Amenities and Point Value [Table 11-3G-4](#). ~~It’s not clear to Staff what is~~ Two (2) pickleball courts at 4 points each are proposed for site amenities in the townhome portion of the development, which exceeds UDC standards. The Applicant should clarify prior to or at the Commission hearing what amenities are proposed.

**Noise Abatement:** Noise abatement is required for residential uses along state highways per the standards listed in UDC [11-3H-4D](#). A 10-foot solid screen wall is proposed. **Noise abatement should be provided within the street buffers along SH-16 that are adjacent to residential uses per the standards listed in UDC 11-3H-4D for residential uses adjoining a state highway. A berm or a berm and wall combination that’s a minimum of 10-feet higher than the elevation at the centerline of the state highway is required. Include a cross-section of the berm or berm/wall that complies with this standard with the final plat application(s).**

**Storm Drainage (UDC [11-3A-18](#)):**

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 Engineering Report](#) for the subdivision. Stormwater integration is required in accord with the standards listed in UDC [11-3B-11C](#).

**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. This property lies within the Nampa-Meridian Irrigation District boundary.

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

Utilities are required to be provided to the subdivision as required in UDC [11-3A-21](#).. Street lights shall be installed in accord with the City’s adopted standards, specifications and ordinances/

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

The Sky Pilot Drain crosses the southern portion of this site within a 100-foot wide easement; the Eight Mile Lateral crosses the northeast corner of the site within a 50-foot wide easement; and the Noble Lateral runs along the east boundary of the site within a 40-foot wide easement (20-feet from centerline each side). **The easements for all of these waterways shall be depicted on the final plat; structures shall not encroach within these easements.** All waterways on this site shall be piped as set forth in UDC [11-3A-6B.3](#), unless otherwise waived by City Council. This project is not within the flood plain.

The developer has requested ITD relocate the Eight Mile Lateral to accommodate the proposed development plan. Because the plans have already been designed and environmental approvals obtained to pipe it in its current location, a change this late in the process may not be approved. **If**

**the location of the lateral changes, it should be depicted on the plans submitted with the final plat application.**

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. A 6-foot tall solid screen fence is proposed along the northern & western boundaries of the multi-family development.

**C. Conditional Use Permit (CUP):**

A Conditional Use Permit is requested for a multi-family residential development consisting of 250 dwelling units on 12.19 acres of land in the R-40 zoning district in accord with UDC [Table 11-2B-2](#). The proposed development will have (12) 3-story multi-family structures and a 9,055 square foot amenity building centrally located within the complex. Six (6) different floor plans are proposed with a mix of units consisting of 1- (97), 2- (114) and 3- (39) bedroom units ranging from 712 to 1,278 square feet in size.

**Specific Use Standards (UDC 11-4-3-27):**

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

**[11-4-3-27](#): MULTI-FAMILY DEVELOPMENT:**

**Site Design:**

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *The site plan included in Section VII.D depicts buildings at a minimum setback of 10-feet; no greater setback is required.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. ***The plans submitted with the Certificate of Zoning Compliance application should demonstrate compliance with this standard.***
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title. *The Applicant's narrative states each dwelling unit is provided with a minimum 80 square foot attached patio or deck, which meets this standard.*
4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant should comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *A minimum of 477 off-street parking spaces are required for the multi-family development with 250 of those being in a covered carport or garage; a*

*minimum of 19 bicycle parking spaces are required. A minimum of 18 spaces are required for the amenity building with a minimum of one (1) bicycle parking space. The minimum number of spaces required overall is 495 with a minimum of 20 bicycle spaces. A total of 482+/- parking spaces are proposed overall, with 250 of those being covered, and 20 bicycle spaces, which does not meet the minimum standard. **A revised parking plan that meets the minimum standards should be submitted prior to the Commission hearing. Bike racks should be provided in central locations for each multi-family building and the amenity building.***

7. Developments with twenty (20) units or more shall provide the following:
  - a. A property management office.
  - b. A maintenance storage area.
  - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
  - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

*The site amenity plan included in Section VII.G depicts a leasing area (property management office), a maintenance storage area and mailbox location (including provisions for parcel mail), in accord with this standard. **The location of the directory and map of the development should be depicted on the site plan submitted with the Certificate of Zoning Compliance application.***

Common Open Space Design Requirements (UDC [11-4-3-27C](#)):

The total baseline land area of all qualified common open space shall equal or exceed 10% of the gross land area for multi-family developments of 5 acres or more. *A minimum of 1.22 acres of common open is required to meet this standard.*

Common open space areas are also required to comply with the standards listed in UDC 11-4-3-27C.2, which state that open space areas must be integrated into the development as a priority and not for the use of land after all other elements of the development have been designed. These areas should have direct pedestrian access, be highly visible, comply with CPTED standards and support a range of leisure and play activities and uses – irregular shaped, disconnected or isolated open spaces do not meet the standard. Open space areas should be accessible and well connected throughout the development (i.e. centrally located, accessible by pathway and visually accessible along collector streets or as a terminal view from a street). Open space areas should promote the health and well-being of its residents and support active and passive uses for recreation, social gathering and relaxation to serve the development. *The proposed common open space meets these standards.*

All multi-family projects over 20 units are required to provide at least one (1) common grassy area of at least 5,000 s.f. in area that's integrated into the site design allowing for general activities by all ages, which may be included in the minimum required open space. The area shall increase proportionately as the number of units increase and shall be commensurate to the size of the development as determined by the decision-making body. *The Applicant proposes two (2) central common open space areas of 67,632 and 29,360 s.f. that meets this requirement.*

In addition to the baseline open space requirement, a minimum area of outdoor common open space shall be provided as follows:

- a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *All units contain more than 500 square feet (s.f.) of living area.*
- b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *A total of 211 units contain between 500 and 1,200 s.f. of living area; therefore, a minimum of 52,750 s.f. (or 1.21 acres) of common open space is required.*
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *A total of 39 units contain more than 1,200 s.f.; therefore, a minimum of 13,650 s.f. (or 0.31 acre) of common open space is required.*

*At a minimum, a total of 66,400 s.f. (or 1.52 acres) of qualified outdoor common open space is required to be provided per this standard. In order to meet the baseline requirement noted above and this standard, a total of 119,500 s.f. (or 2.74 acres) of common open space is required. A total of 146,094 s.f. (or 3.35 acres) of qualified open space is proposed in excess of the minimum standards as shown in Section VII.F (red hatch areas). Qualified areas consist of central common/amenity areas and a pedestrian corridor where a multi-use pathway is planned.*

Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *All of the red hatched areas depicted on the open space exhibit in Section VII.G meet this requirement.*

In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *The Applicant anticipates the multi-family development will be constructed in one phase. If not, compliance with this standard is required.*

Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *None of the common open space areas are located adjacent to a collector or arterial street.*

#### Site Development Amenities:

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
  - a. Quality of life:
    - (1) Clubhouse.
    - (2) Fitness facilities.
    - (3) Enclosed bike storage.
    - (4) Public art such as a statue.
    - (5) Dog park with waste station.
    - (6) Commercial outdoor kitchen.
    - (7) Fitness course.
    - (8) Enclosed storage.
  - b. Open space:

- (1) Community garden.
  - (2) Ponds or water features.
  - (3) Plaza.
  - (4) Picnic area including tables, benches, landscaping and a structure for shade.
- c. Recreation:
  - (1) Pool.
  - (2) Walking trails.
  - (3) Children's play structures.
  - (4) Sports courts.
- d. Multi-modal amenity standards:
  - (1) Bicycle repair station.
  - (2) Park and ride lot.
  - (3) Sheltered transit stop
  - (4) Charging stations for electric vehicles
- 2. The number of amenities shall depend on the size of multi-family development as follows:
  - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
  - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
  - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
  - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.
- 3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Proposed amenities include a clubhouse with a fitness facility, a swimming pool and spa with cabanas and an outdoor lounge area, 10-foot wide multi-use pathways and internal walking trails, a plaza, a pickleball sports court, and a bike repair station. A BBQ area is depicted on the site plan; Staff recommends this area is constructed as a commercial outdoor kitchen. An outdoor seating area is also depicted on the site plan; Staff recommends this area is constructed as a picnic area with tables, benches, landscaping and a shade structure. Staff also recommends a children's play structure is provided. Staff is of the opinion these upgrades and addition of an amenity is commensurate with the number of units proposed.*

E. Landscaping Requirements:

- 1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.

2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
  - a. The landscaped area shall be at least three feet (3') wide.
  - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
  - c. Ground cover plants shall be planted in the remainder of the landscaped area.

***The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping in accord with these standards.***

- F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. ***The Applicant shall comply with this requirement.***

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

Street buffer landscaping, including noise abatement along future SH-16, is required to be provided with the subdivision improvements as noted above in Section V.B.

Landscaping is required to be provided along all pathways per the standards listed in UDC [11-3B-12C](#). **A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway.**

**Fencing:** All fencing is required to comply with the standards listed in UDC 11-3A-7. A 6-foot tall solid screen fence is proposed along the northern & western boundaries of the multi-family development.

**Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):**

Conceptual building elevations were submitted for the proposed structures, included in Section VII.H. The townhomes are proposed to be 2- or 3-stories in height, the multi-family structures are proposed to be 3-stories in height, and the clubhouse if proposed to be a single-story in height; building materials consist of a mix of vertical board & batten fiber cement siding and horizontal lap siding with brick veneer siding and wood ridge beam accents, metal awnings and asphalt shingle roofing.

**A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the multi-family and commercial development to ensure compliance with UDC standards and development provisions associated with this application. A Design Review application is required to be submitted for approval of the townhomes. Final design of all structures must comply with the design standards in the Architectural Standards Manual.**

**D. Variance (VAR):**

A Variance is requested to UDC [Table 11-2A-7](#) to allow 44 of the 81 townhome lots on the eastern portion of the development to be reduced from 2,000 to 1,694 square feet. UDC 11-5B-4 allows requests to vary from the requirements with respect to lot size.

In order to grant a variance, City Council must make the findings for such, which state the variance relieves an undue hardship because of characteristics of the site; and the variance shall not be detrimental to the public health, safety and welfare per UDC 11-5B-4E.

The Applicant's narrative states there are several characteristics of the site that create an undue hardship, as follows:

- The angle of the SH-16 right-of-way determined by ITD creates a remnant parcel that is an unusual shape for development and restricts how the property can be developed.
- The Sky Pilot drain traverses through the middle of the property within a 100-foot wide easement where no structures may be located, which reduces the amount of developable space on the property.
- Ustick Road where it abuts the property will be widened to accommodate the SH-16 interchange, which reduces the amount of developable space for the property.
- McDermott Rd. will be terminated with a cul-de-sac, eliminating access from Ustick Rd. which reduces the viable uses for the property.
- McDermott Rd. is in a fixed location and must be widened to meet ACHD standards, which further reduces the amount of developable area.
- A landscape buffer is required to be provided along the northern property boundary adjacent to the light industrial use proposed on the abutting property, which also reduces the developable space for the property.

Although these characteristics do exist, Staff finds they do not prevent the Applicant from reducing the number of lots within the development in order to comply with the minimum lot size standard of 2,000 square feet. If a variance is approved, alternative compliance will also be necessary to reduce the street buffer along McDermott Road, an entryway corridor, in order to accommodate the proposed layout. Reducing the number of building lots will allow compliance with the minimum lot size standards as well as street buffers. Therefore, Staff is not supportive of the proposed variance request.

## VI. DECISION

### A. Staff:

Staff recommends approval of the requested annexation with the requirement of a development agreement, preliminary plat and conditional use permit and denial of the requested variance with the provisions noted in Section VIII, per the Findings in Section IX.

### B. The Meridian Planning & Zoning Commission heard these items on November 3, 2022. At the public hearing, the Commission voted to recommend approval of the subject AZ, CUP and PP requests.

#### 1. Summary of Commission public hearing:

- In favor: Travis Hunter, Josh Evarts, and Todd Tucker
- In opposition: None
- Commenting: Ron Hopper, Rod Green, and Paul Elam
- Written testimony: Todd Tucker, Boise Hunter Homes
- Staff presenting application: Bill Parsons
- Other Staff commenting on application: Kurt Starman

#### 2. Key issue(s) of public testimony:

- Additional traffic on Ustick and McDermott Roads.
- Transition of the McDermott Village development to the rural residential in the area.
- Amount of development occurring in the area.

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

- Timing for the construction of SH 16 and the commencement/completion of phase 1 construction.

- b. Impacts of increased traffic on Ustick Road.
      4. Commission change(s) to Staff recommendation:
        - a. At Staff's recommendation, Commission modified DA provision #A.1f to read, "A 10-foot wide multi-use pathway shall be provided within the street buffers along N. Glassford Ave. adjacent to SH-16 within a 14-foot wide public use easement.
        - b. Commission modified condition of approval #10k. to replace commercial outdoor kitchen with outdoor BBQ.
      5. Outstanding issue(s) for City Council:
        - a. Applicant requests Council waive condition #A1.c in Section VIII that requires a 25-foot landscape buffer adjacent to the Flowers property along the west boundary of the proposed development. This request was supported by the Commission. The requirement does not apply because right-of-way will separate the subject property from the residential property.
- C. The Meridian City Council heard these items on December 13, 2022. At the public hearing, the Council moved to approve the subject AZ, CUP, PP and VAR requests.
  1. Summary of the City Council public hearing:
    - a. In favor: Travis Hunter, Josh Evarts, Todd Tucker
    - b. In opposition: Rod Green, Randi Bussert
    - c. Commenting: Sue Waggoner
    - d. Written testimony: None
    - e. Staff presenting application: Sonya Allen
    - f. Other Staff commenting on application: None
  2. Key issue(s) of public testimony:
    - a. Concern pertaining to increased traffic on McDermott Rd. and the safety of the Green's access via McDermott Rd.;
    - b. Concern pertaining to growth and property values in this area and affect on adjacent rural residential properties;
  3. Key issue(s) of discussion by City Council:
    - a. Supportive of the proposed development plan.
  4. City Council change(s) to Commission/Staff recommendation:
    - a. Council approved the Applicant's request to strike the portion of condition #A.1c in Section VIII that requires a buffer adjacent to the Flower's property at the west boundary of the site.
    - b. City Council approved the Variance request based on the hardship for this property created from the bisection of SH-16 and the lateral (Sky Pilot Drain) across the property.

## VII. EXHIBITS

### A. Annexation Legal Descriptions & Exhibit Maps



IDAHO  
SURVEY  
GROUP

9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570  
Fax: (208) 884-5399

#### McDermott Village Subdivision

#### Annexation

#### Boundary Description

Project Number 21-578 June 15, 2022

The southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

BEGINNING at the southeast corner of the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian:

Thence N89°17'49"W, 1325.58 feet along the south line of the southeast quarter of the southeast quarter to the east sixteenth-section corner;

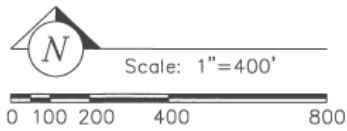
Thence N00°33'07"E, 1316.23 feet along the west line of the southeast quarter of the southeast quarter to the southeast sixteenth-section corner;

Thence S89°19'58"E, 1324.63 feet along the north line of the southeast quarter of the southeast quarter to the south sixteenth-section corner;

Thence S00°30'38"W, 1317.06 feet along the east line of the southeast quarter of the southeast quarter to the POINT OF BEGINNING.

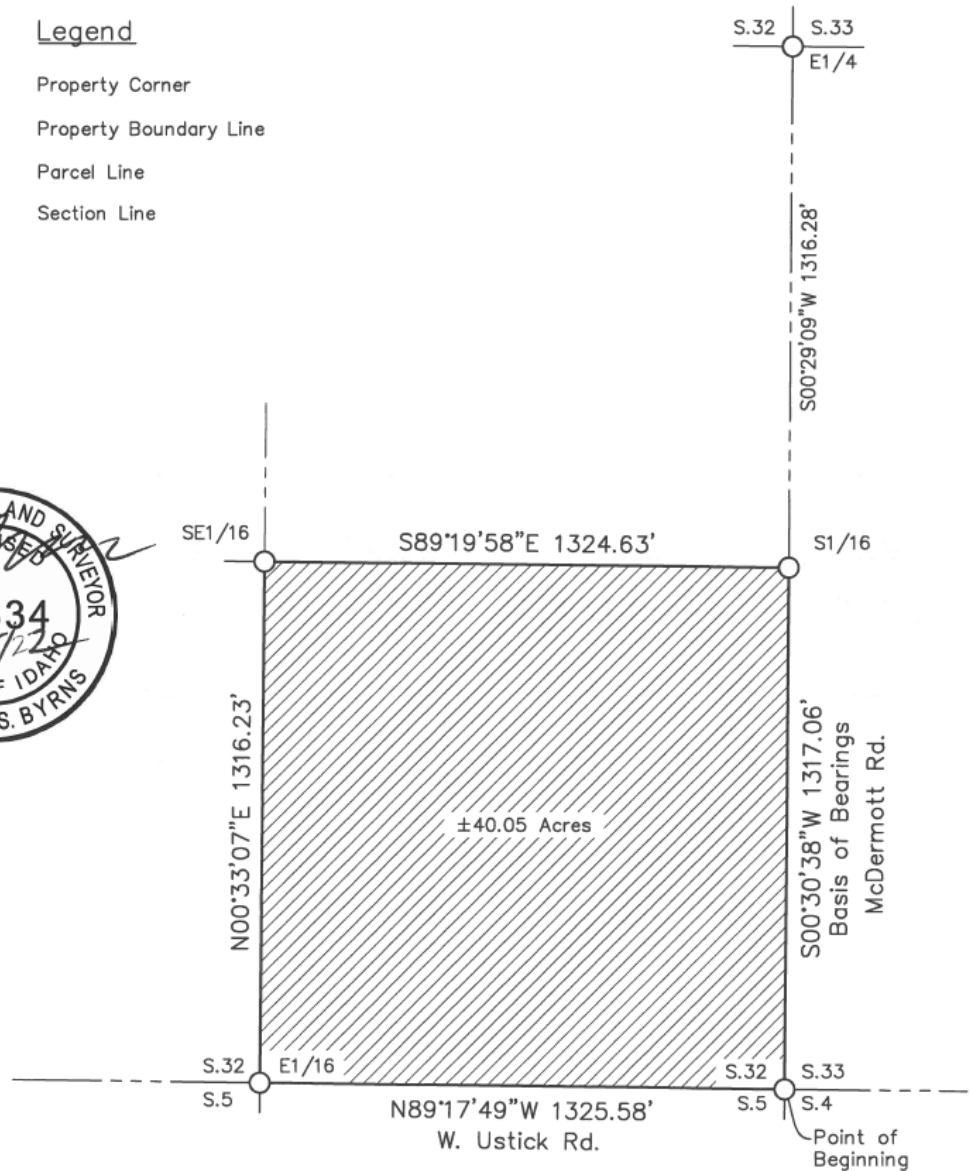
The above-described parcel contains 40.05 acres, more or less.





### Legend

- Property Corner
- Property Boundary Line
- Parcel Line
- Section Line



P:\3235 N McDermott Rd Bndry 21-578\dwg\21-578 Annexation.dwg 6/15/2022 2:17:22 PM

|                                                                                                                                                                                                         |                                                                                                                                       |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|  <div>IDAHO<br/>SURVEY<br/>GROUP, LLC</div> <div>9955 W. EMERALD ST.<br/>BOISE, IDAHO 83704<br/>(208) 846-8570</div> | Exhibit Drawing for<br>Annexation                                                                                                     | Job No.<br>21-578      |
|                                                                                                                                                                                                         |                                                                                                                                       | Sheet No.<br>1         |
|                                                                                                                                                                                                         | Situated in the southeast quarter of the southeast quarter of Section 32,<br>Township 4 North, Range 1 West, B.M., Ada County, Idaho. | Dwg. Date<br>6/15/2022 |



9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570  
Fax: (208) 884-5399

**McDermott Village Subdivision**  
**Rezone C-G**  
**Boundary Description**  
*Project Number 21-578 August 17, 2022*

A parcel of land situated in the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

**BEGINNING** at the east sixteenth-section corner of Section 32, Township 4 North, Range 1 West, Boise Meridian, which bears N89°17'49"W, 1325.58 feet from the southeast corner of Section 32:

Thence N00°33'07"E, 448.20 feet along the west line of the southeast quarter of the southeast quarter;

Thence S89°17'13"E, 724.69 feet to the centerline of the future Highway 16;

Thence S09°45'00"W, 453.71 feet along the centerline of the future Highway 16 to the south line of the southeast quarter of the southeast quarter;

Thence N89°17'49"W, 652.16 feet along the south line of the southeast quarter of the southeast quarter to the POINT OF BEGINNING.

The above-described parcel contains 7.08 acres, more or less.





### Legend

- Dimension Point
- Zone Boundary Line
- Parcel Line
- Section Line
- Center Line



8/17/2022 9:18:50 AM McDermott Rd Data (11-578)\\gsg\11-578 Range 00-01 Plot 001 8/17/2022 9:18:50 PM

|                                                                                                                                                                                                   |                                                                                                                                       |  |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--|------------------------|
|  <b>IDAHO<br/>SURVEY<br/>GROUP, LLC</b><br><br>8802 W. EMERALD CT.<br>BOONVILLE, IDAHO 83404<br>(208) 948-4571 | <b>Exhibit Drawing for<br/>C-G Rezone</b>                                                                                             |  | Job No.<br>21-578      |
|                                                                                                                                                                                                   |                                                                                                                                       |  | Sheet No.<br>1         |
|                                                                                                                                                                                                   | Situated in the southeast quarter of the southeast quarter of Section 32,<br>Township 4 North, Range 1 West, S.M., Ada County, Idaho. |  | Dwg. Date<br>8/17/2022 |



IDAHO  
SURVEY  
GROUP

9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570  
Fax: (208) 884-5399

**McDermott Village Subdivision**

**Rezone R-15**

**Boundary Description**

*Project Number 21-578 August 17, 2022*

A parcel of land situated in the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

**BEGINNING** at the southeast corner of Section 32, Township 4 North, Range 1 West, Boise Meridian:

Thence N89°17'49"W, 673.42 feet along the south line of the southwest quarter of the southwest quarter to the centerline of the future Highway 16;

Thence N09°45'00"E, 1333.35 feet along the centerline of the future Highway 16 to the north line of the southeast quarter of the southeast quarter;

Thence S89°19'58"E, 459.33 feet along the north line of the southeast quarter of the southeast quarter to the south sixteenth-section corner;

Thence S00°30'38"W, 1317.06 feet along the east line of the southeast quarter of the southeast quarter to the POINT OF BEGINNING.

The above-described parcel contains 17.12 acres, more or less.





### Legend

-  Dimension Point
-  Zone Boundary Line
-  Parcel Line
-  Section Line
-  Center Line



P:\2022\ McDermott Rd. Bdry. 21-578\Map\21-578 Report 04-753 Rev.dwg 8/17/2022 5:10:07 PM

|                                                                                                                                                                                                            |                                                  |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------|
|  <b>IDAHO SURVEY GROUP, LLC</b><br><small>8003 NW FARM ROAD, SUITE 100, IDAHO FALLS, IDAHO 83401 (208) 744-6075</small> | <b>Exhibit Drawing for</b><br><b>R-15 Rezone</b> | Job No.<br>21-578 |
|                                                                                                                                                                                                            |                                                  | Sheet No.<br>1    |
| Sited in the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, B.M., Ada County, Idaho.                                                                            | Dwg. Date<br>8/17/2022                           |                   |
|                                                                                                                                                                                                            |                                                  |                   |



IDAHO  
SURVEY  
GROUP

9955 W Emerald St  
Boise, ID 83704

Phone: (208) 846-8570  
Fax: (208) 884-5399

**McDermott Village Subdivision  
Rezone R-40**

**Boundary Description**

*Project Number 21-578 August 17, 2022*

A parcel of land situated in the southeast quarter of the southeast quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at the southeast corner of Section 32, Township 4 North, Range 1 West, Boise Meridian;

Thence N89°17'49"W, 1325.58 feet along the south line of the southeast quarter of the southeast quarter to the east sixteenth-section corner;

Thence N00°33'07"E, 448.20 feet along the west line of the southeast quarter of the southeast quarter to the POINT OF BEGINNING;

Thence continuing N00°33'07"E, 868.03 feet along the west line of the southeast quarter of the southeast quarter to the southeast sixteenth-section corner;

Thence S89°19'58"E, 865.29 feet along the north line of the southeast quarter of the southeast quarter to the centerline of the future Highway 16;

Thence S09°45'00"W, 879.64 feet along the centerline of the future Highway 16;

Thence N89°17'13"W, 724.69 feet to the POINT OF BEGINNING.

The above-described parcel contains 15.85 acres, more or less.



Orig. Date  
8/17/2022

B. Conceptual Development Plan, Overall Development Plan in the Vicinity & Concept Data



CONCEPTUAL DEVELOPMENT PLAN

NTS





# Ustick/ McDermott Residential

Meridian, ID

## Zoning Summary:

|                                    |                               |                                    |                 |
|------------------------------------|-------------------------------|------------------------------------|-----------------|
| <b>Site Area:</b>                  |                               |                                    |                 |
| Site 1: (Multifamily)              | 12.19 AC                      | Site 3: (TH)                       | 10.4 AC         |
| Site 2: (Retail/ C-store)          | 3.89 AC                       | Highway (N.A.P.):                  | 13.9 AC         |
| <b>Current:</b>                    |                               |                                    |                 |
| Current Zoning:                    | RUT Rural, Urban Transitional | Proposed Zoning (MF):              | R-40 (change)   |
| Max. Density:                      | 43.56 du/AC (1,000 sf/du)     | Proposed Density:                  | 20.5 du/AC      |
| <b>Setbacks Required:</b>          |                               |                                    |                 |
| Rear:                              | 12'                           | Rear:                              | 20' min.        |
| Side Int:                          | 3'                            | Side Int:                          | 10' min.        |
| Street Setback to Garage Required: | Local: 20'                    | Street Setback to Garage Proposed: | Local: 20' min. |
| Street Setback to Living Required: | Local: 10'                    | Street Setback to Living Proposed: | Local: 20' min. |
| Street Landscape Buffer Required:  | Local: n/a                    | Street Landscape Buffer Proposed:  | Local: 20' min. |
| Max. Height:                       | 60'                           | Proposed Height:                   | +/-41'-9"       |

## Gross SF Data:

| Multifamily:  | Fir.-to-Fir. Height: | Bldg. GSF + deck | Bldg. GSF      | Bldg. Net SF   | Eff. #     | # Unit per floor |
|---------------|----------------------|------------------|----------------|----------------|------------|------------------|
| Level 1:      | 10'-2"               | 116,413          | 112,413        | 47,436         | 42%        | 50               |
| Level 2:      | 10'-2"               | 116,750          | 108,750        | 95,181         | 88%        | 100              |
| Level 3:      | 11'-2"               | 113,638          | 105,638        | 95,181         | 90%        | 100              |
| Roof:         | 10'-3"               |                  |                |                |            |                  |
| <b>Total:</b> | <b>41'-9"</b>        | <b>345,801</b>   | <b>326,801</b> | <b>237,798</b> | <b>73%</b> | <b>250</b>       |

## Commercial Data:

|           |        |
|-----------|--------|
| C-store:  | 5,549  |
| Retail 1: | 3,407  |
| Retail 2: | 6,117  |
| Level 1:  | 15,073 |

## Common Open Space Summary:

| Common Open Space Required: |         |       |                   | Common Open Space Proposed: |                  |  |  |
|-----------------------------|---------|-------|-------------------|-----------------------------|------------------|--|--|
| Baseline:                   | #       | ratio | total             | Ground Level:               | total            |  |  |
| 10% of site:                | 452,131 | 10%   | 45,213 sf         |                             | 82,553           |  |  |
| Multifamily:                | #       | ratio | total             |                             | 30,710           |  |  |
| Units <500 sf:              | 0       | 150   | -                 |                             | 17,324           |  |  |
| Units 500<1200 sf:          | 211     | 250   | 52,750            |                             | 13,629           |  |  |
| Units >1200 sf:             | 39      | 350   | 13,650            |                             |                  |  |  |
| Subtotal Required:          | 250     |       | 66,400 sf         | Subtotal MF Provided:       | 144,730 sf       |  |  |
| Subtotal MF Required:       |         |       | <b>111,613 sf</b> |                             |                  |  |  |
| TH/C-store:                 | # sf    | ratio | total             | Ground Level:               | total            |  |  |
| 5% of site:                 | 169,448 | 5%    | 8,473             | Plaza:                      | 11,447           |  |  |
| Subtotal Required:          |         |       | <b>8,473 sf</b>   | Subtotal Provided:          | 5,050            |  |  |
|                             |         |       |                   |                             | <b>16,497 sf</b> |  |  |

\*\*Note: Data is schematic and subject to update as more information is known

Pivot North Architects

05/25/2022

## Unit Summary:

|                 | #          | NSF*            | DECK | Net-deck | NSF            | SUBTOTAL: | %     |
|-----------------|------------|-----------------|------|----------|----------------|-----------|-------|
| 1A              | 87         | 719             | 80   | 799      |                |           |       |
| 1B              | 10         | 835             | 80   | 515      |                |           |       |
| Subtotal 1- bed | 97         | 731             |      |          | 70,903         |           | 38.8% |
| 2A              | 58         | 1,099           | 80   | 1,089    |                |           |       |
| 2B              | 18         | 1,117           | 80   | 1,297    |                |           |       |
| 2C              | 38         | 1,004           | 80   | 1,084    |                |           |       |
| Subtotal 2- bed | 114        | 1,024           |      |          | 116,780        |           | 45.6% |
| 3A              | 39         | 1,285           | 80   | 1,365    |                |           |       |
| Subtotal 3- bed | 39         | 1,285           |      |          | 50,115         |           | 15.6% |
| <b>TOTAL:</b>   | <b>250</b> | <b>951 ave.</b> |      |          | <b>237,798</b> | <b>sf</b> |       |

\*Notes: Data taken to inside face of exterior / corridor / unit walls

## Parking Summary:

| Parking Required:     |       |          |            | Parking Proposed:     |  |            |  |
|-----------------------|-------|----------|------------|-----------------------|--|------------|--|
|                       | #     | ratio    | total      |                       |  | total      |  |
| 1-bed                 | 97    | 1.5      | 146        | Garage:               |  | 139        |  |
| 2-bed                 | 114   | 2        | 228        | Carport:              |  | 81         |  |
| 3-bed                 | 39    | 2        | 78         | Standard:             |  | 30         |  |
| Guest                 | 250   | 0.1      | 25         | Parking Pad:          |  | 62         |  |
|                       |       |          |            | HC:                   |  | 10         |  |
| Amenity:              | 9,000 | 1/500    | 18         | Amenity:              |  | 18         |  |
| Subtotal Multifamily: |       |          | <b>477</b> | Parallel Street:      |  | 25         |  |
| Covered:              |       | 1:1      | <b>250</b> | Subtotal Multifamily: |  | <b>477</b> |  |
|                       | #     | ratio    | total      | Covered:              |  | <b>250</b> |  |
| C-store:              | 5,549 | 1:500 sf | 12         |                       |  |            |  |
| Retail 1:             | 3,407 | 1:500 sf | 7          | Retail:               |  | 51         |  |
| Retail 2:             | 6,117 | 1:500 sf | 13         | HC:                   |  | 3          |  |
| Subtotal C,ct:        |       |          | <b>32</b>  | Subtotal Cmt:         |  | <b>54</b>  |  |

## Bike Parking Summary:

| Bike Parking Required: |     |       |           | Bike Parking Proposed: |  |           |  |
|------------------------|-----|-------|-----------|------------------------|--|-----------|--|
|                        | #   | ratio | total     |                        |  | total     |  |
| Multifamily:           | 477 | 1:25  | 20        | Covered/Secured:       |  | 20        |  |
| Total Required:        |     |       | <b>20</b> | Total Proposed:        |  | <b>20</b> |  |

CONCEPT DATA

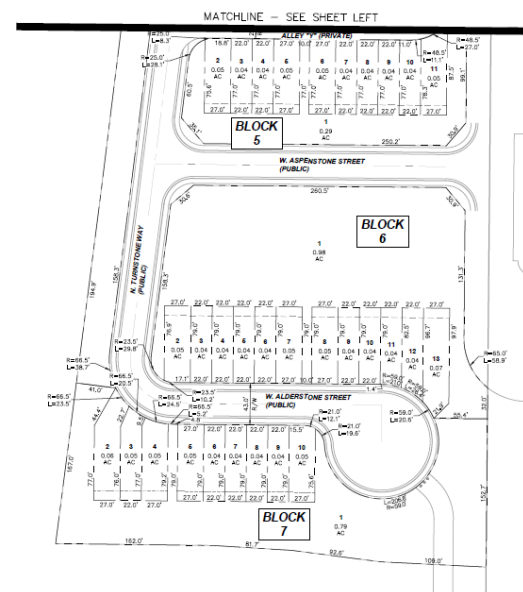
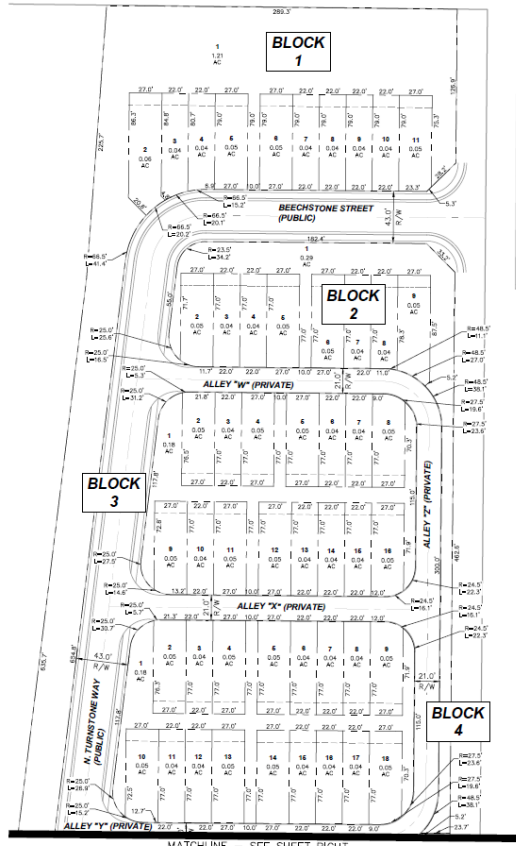
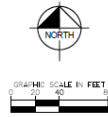
# McDermott Multifamily

Ustick & McDermott., Meridian ID  
PNa JOB # 21-0XX

05.25.2022

**pivot north**  
ARCHITECTURE

## 01 of 17



**Kimley»Horn**

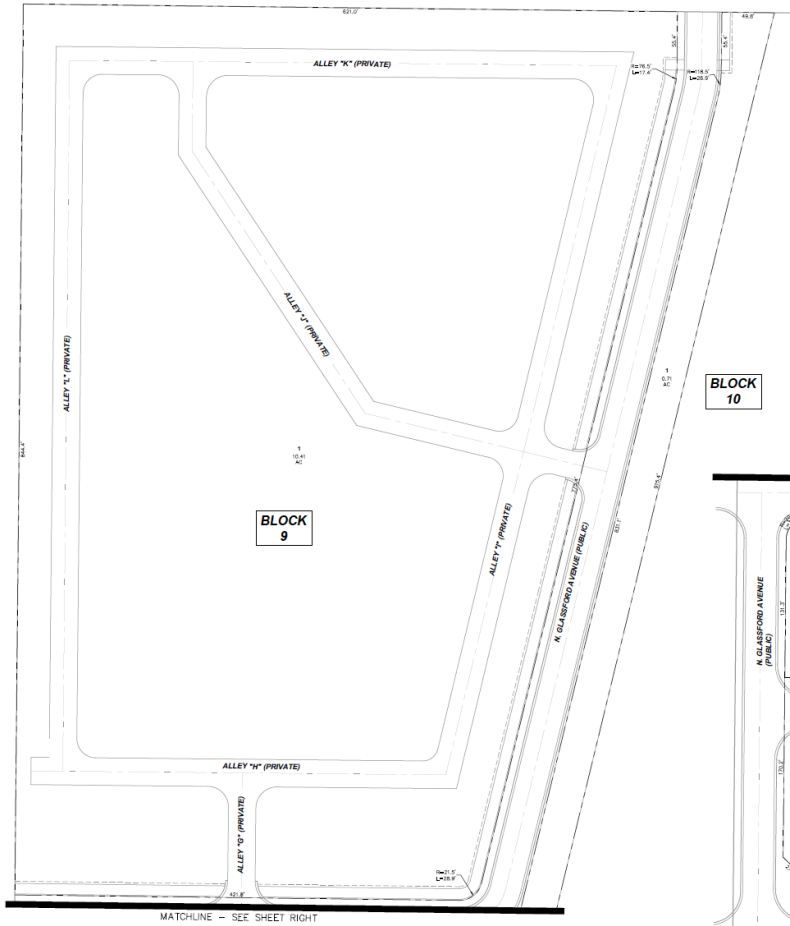
SCALE: 1/4" = 1'-0"  
DATE: 10/1/2022  
DRAWN BY: JH  
CHECKED BY: JH  
DATE: 08/27/2022

MCDERMOTT VILLAGE  
PRELIMINARY PLAT  
MERIDIAN, IDAHO

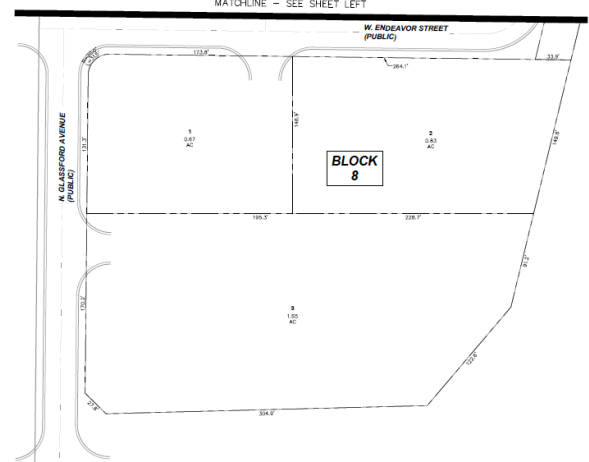


PROJECT NO.  
093969000  
DRAWING NAME  
PRELIM.dwg

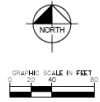
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. ALL CORNERS ARE TO BE ROUNDED TO THE NEAREST 1/4" UNLESS OTHERWISE NOTED.



**BLOCK 10**



**BLOCK 8**



**Kimley»Horn**

SCALE: 1/4" = 10'  
REVISIONS:  
DATE: 05/17/2023

MCDERMOTT VILLAGE  
PRELIMINARY PLAT  
MERIDIAN, IDAHO



PROJECT NO.: 0318000  
DRAWING NAME: PPD1.dwg  
03 OF 17



1 CONCEPTUAL PHASING PLAN

L-005  
08/30/2022

**GGLO** **pivot north**  
ARCHITECTURE

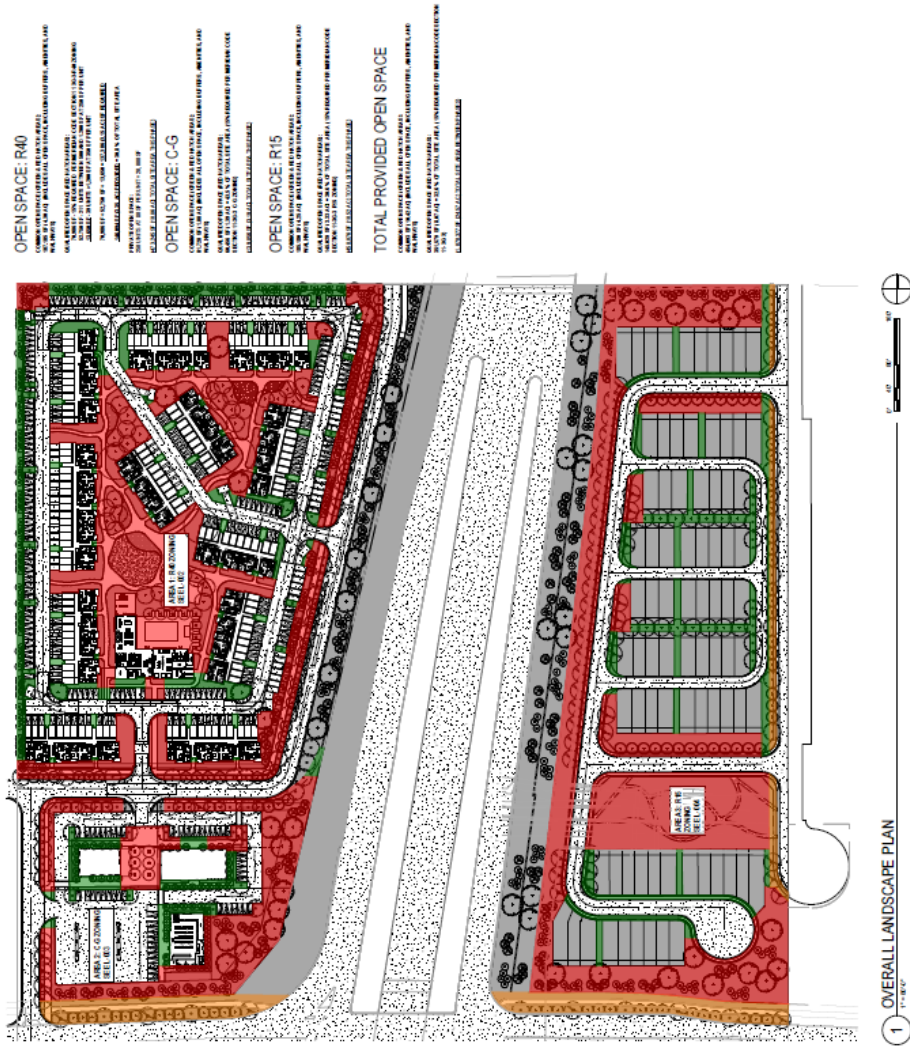
McDermott and Ustick, MERIDIAN, ID  
2022014.01

**McDermott Mixed-Use**

D. CUP Site Plan for Multi-Family Development (dated: 6/30/2022)



E. Landscape Plan – PP & CUP (date: 6/30/2022)



## LANDSCAPE GENERAL NOTES

## STREET TREES

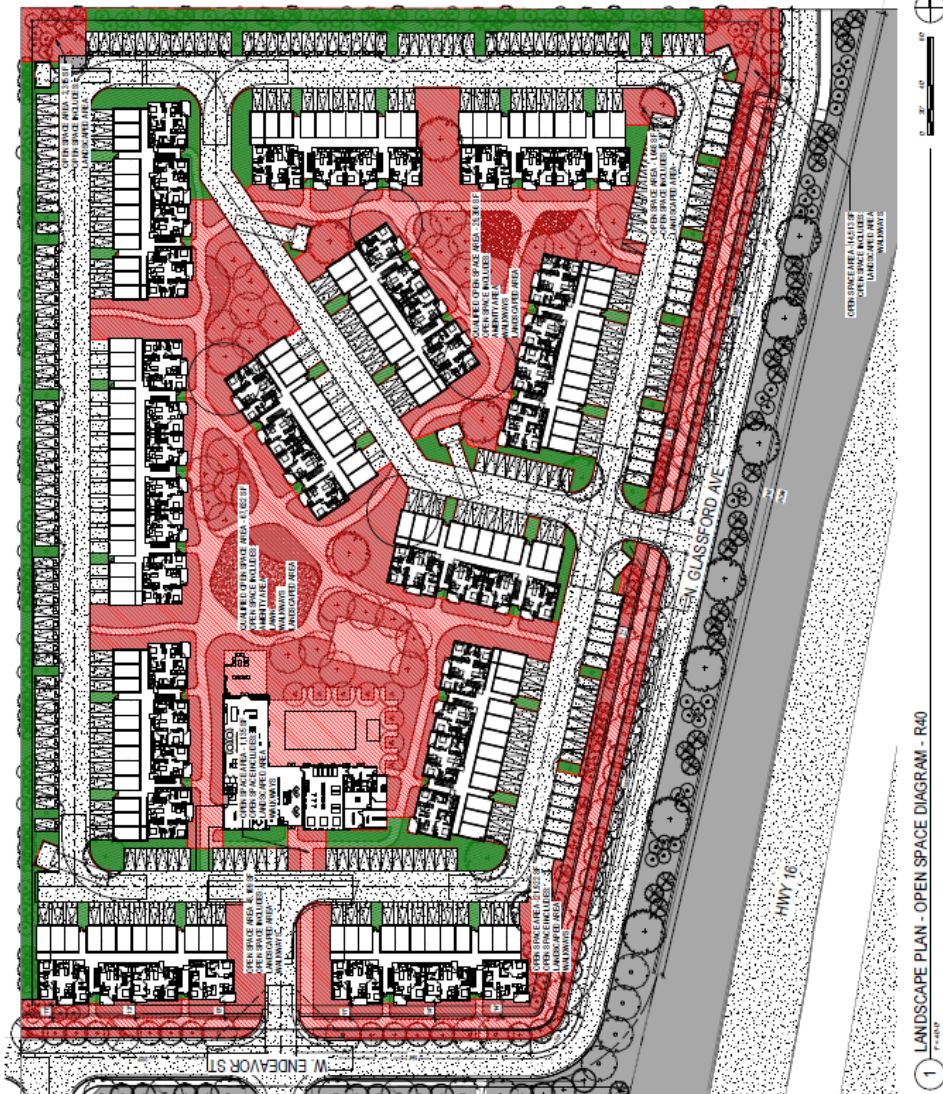
## TREE COUNT

## TREE MITIGATION

OPEN SPACE

## BUFFER PLANTING REQUIREMENTS

## WALKWAY PLANTING REQUIREMENTS





THE NEW YORK STATE DEPARTMENT OF TAXATION HAS ANNOUNCED THAT IT WILL BE REVIEWING THE TAX STATUS OF CERTAIN INVESTMENT PRODUCTS OFFERED BY FINANCIAL INSTITUTIONS. THE REVIEW WILL BE LIMITED TO INVESTMENT PRODUCTS THAT ARE OFFERED TO THE GENERAL PUBLIC AND THAT ARE NOT REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION. THE REVIEW WILL BE LIMITED TO INVESTMENT PRODUCTS THAT ARE OFFERED TO THE GENERAL PUBLIC AND THAT ARE NOT REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION. THE REVIEW WILL BE LIMITED TO INVESTMENT PRODUCTS THAT ARE OFFERED TO THE GENERAL PUBLIC AND THAT ARE NOT REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION.

[illegible][illegible]

**OPEN SPACE**

COMMON AND OPEN SPACES ARE ESSENTIAL TO THE QUALITY OF LIFE IN ANY COMMUNITY. AND THE CITY OF CHICAGO HAS A LOT OF OPEN SPACE. BUT WE CAN DO BETTER. WE CAN DO BETTER BY MAKING THE MOST OF THE OPEN SPACE WE HAVE. WE CAN DO BETTER BY MAKING THE MOST OF THE OPEN SPACE WE HAVE. WE CAN DO BETTER BY MAKING THE MOST OF THE OPEN SPACE WE HAVE.

[illegible]

THE FOLLOWING INFORMATION IS FOR THE USE OF THE FBI AND IS NOT TO BE RELEASED TO THE PUBLIC. IT IS THE PROPERTY OF THE FBI AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE FBI. IT IS TO BE DESTROYED WHEN NO LONGER REQUIRED FOR THE FBI'S USE.



F. Open Space Exhibit (dated: 6/30/2022)

**LANDSCAPE GENERAL NOTES**

1. FOR THE PURPOSE OF THIS LANDSCAPE GENERAL NOTE, THE LANDSCAPE DESIGNER HAS ASSUMED THAT THE LANDSCAPE DESIGNER HAS BEEN PROVIDED WITH ALL NECESSARY INFORMATION AND DATA BY THE CLIENT AND THAT THE LANDSCAPE DESIGNER HAS BEEN PROVIDED WITH ALL NECESSARY INFORMATION AND DATA BY THE CLIENT AND THAT THE LANDSCAPE DESIGNER HAS BEEN PROVIDED WITH ALL NECESSARY INFORMATION AND DATA BY THE CLIENT.

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**TREE COUNT**

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**TREE COUNT**

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**STREET TREES**

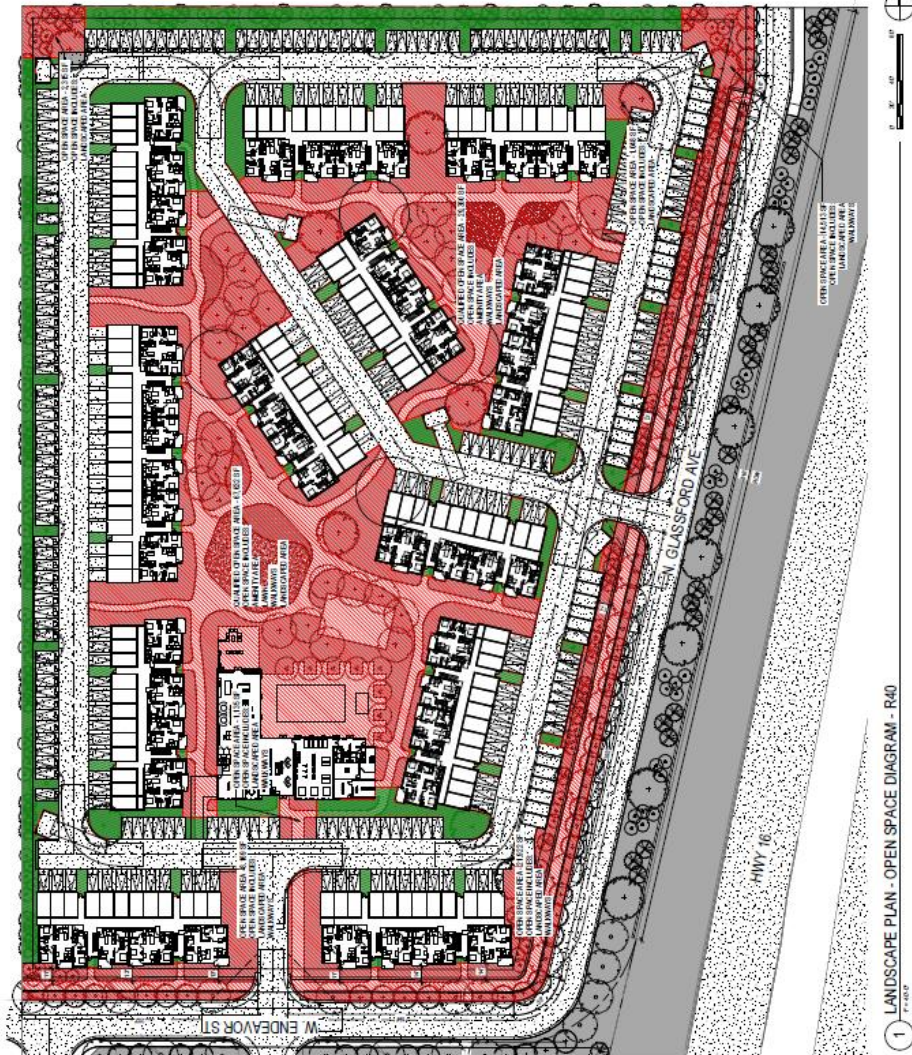
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**TREE COUNT**

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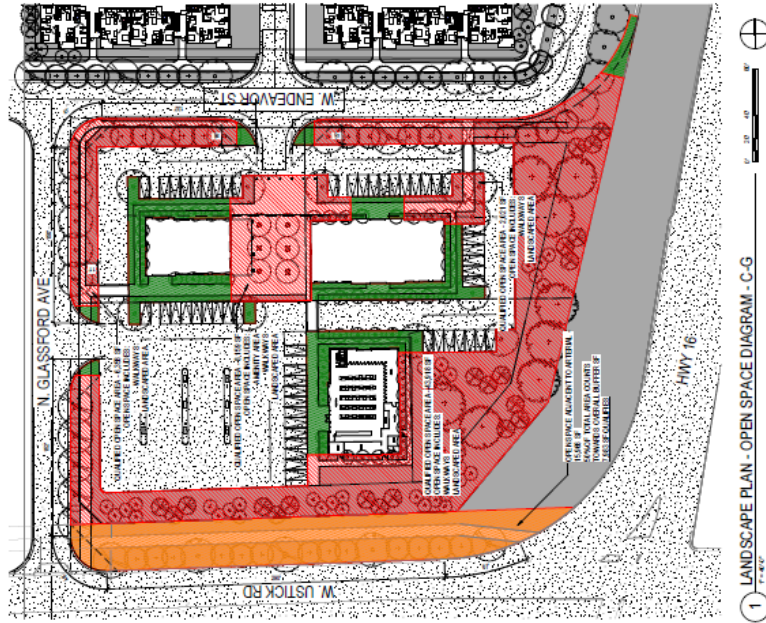


L-002  
06/30/2022

GGLO pivot north  
ARCHITECTURE

PRELIMINARY PLAT OPEN SPACE, AMENITY, &  
STREET TREE CALCULATIONS - R40  
SCALE: 1" = 40'-0" @ 24036

McDermott Mixed-Use  
McDermott and Ustick, MERIDIAN, ID  
2022014.01



## LANDSCAPE GENERAL NOTES

[illegible][illegible]

THE FOLLOWING INFORMATION CONCERNING THE COMPANY IS NOT LIMITED TO  
ANY PART OF THE INFORMATION CONTAINED HEREIN, BUT IS LIMITED TO  
THE INFORMATION CONTAINED HEREIN. THE INFORMATION CONTAINED  
HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSES, AND IS NOT TO  
BE USED FOR ANY OTHER PURPOSES.

## OPEN SPACE

COMMITTEE ON THE EFFECTS OF THE 1997-1998 EL NIÑO ON THE  
WORLD'S POOR AND VULNERABLE POPULATIONS, INCLUDING CHILDREN  
AND YOUTH

GOVERNMENT OF THE UNITED STATES OF AMERICA  
DEPARTMENT OF AGRICULTURE  
WASHINGTON, DC 20250

U.S. GOVERNMENT PRINTING OFFICE: 2000-2-242-242

## BUFFER PLANTING REQUIREMENTS

**WATERWORKS PLANTING**

- CONSTRUCTION AND REPAIRS OF THE PLANTING
- WATER AND SEWERAGE PLANTING
- 1 YEAR PER PERMANENT

**STATE HIGHWAY AND INTERSTATE PLANTING**

- CONSTRUCTION AND REPAIRS OF THE PLANTING FOR CITY COMMISSIONS
- STATE AND INTERSTATE PLANTING FOR CITY COMMISSIONS
- 1 YEAR PER PERMANENT

**K. GARDNER ATTENDING TRAINING**  
 - NAME OF THE UIC: SC. AND PRELIM. UIC NO.  
 - AVERAGE OF THE PREL. 2017  
 - # OF PREL. WKS.: NO FOOT TRAP FOR BMS REACTIVITY COMING

**M. GARDNER ATTENDING TRAINING**  
 - NAME OF THE UIC: SC. AND PRELIM. UIC NO.  
 - AVERAGE OF THE PREL. 2017  
 - # OF PREL. WKS.: NO FOOT TRAP FOR BMS REACTIVITY COMING

**L. GARDNER ATTENDING TRAINING**

## WALKWAY PLANTING REQUIREMENTS

INFORMATION REPORTS IN THE PROCEEDINGS OF A CONFERENCE (AM 1973/201).

[illegible][illegible]

## STREET TREES

[illegible][illegible]

## TREE COUNT

[illegible]

## TREE MITIGATION

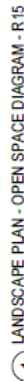
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PRELIMINARY PLAT OPEN SPACE, AMENITY, &  
STREET TREE CALCULATIONS - C-G

**McDermott Mixed-Use**

## WALKWAY PLANTING REQUIREMENTS

**RESEARCH DESIGN.** This is a descriptive study of the attitudes of 147 nurses who worked in a large tertiary care hospital in the metropolitan area of Mexico City. The study was approved by the Institutional Review Board of the Hospital General de México, a tertiary care hospital with 1,200 beds and 1,000 nursing staff. The study was conducted between January and March 2004. The study was approved by the Institutional Review Board of the Hospital General de México, a tertiary care hospital with 1,200 beds and 1,000 nursing staff. The study was conducted between January and March 2004.

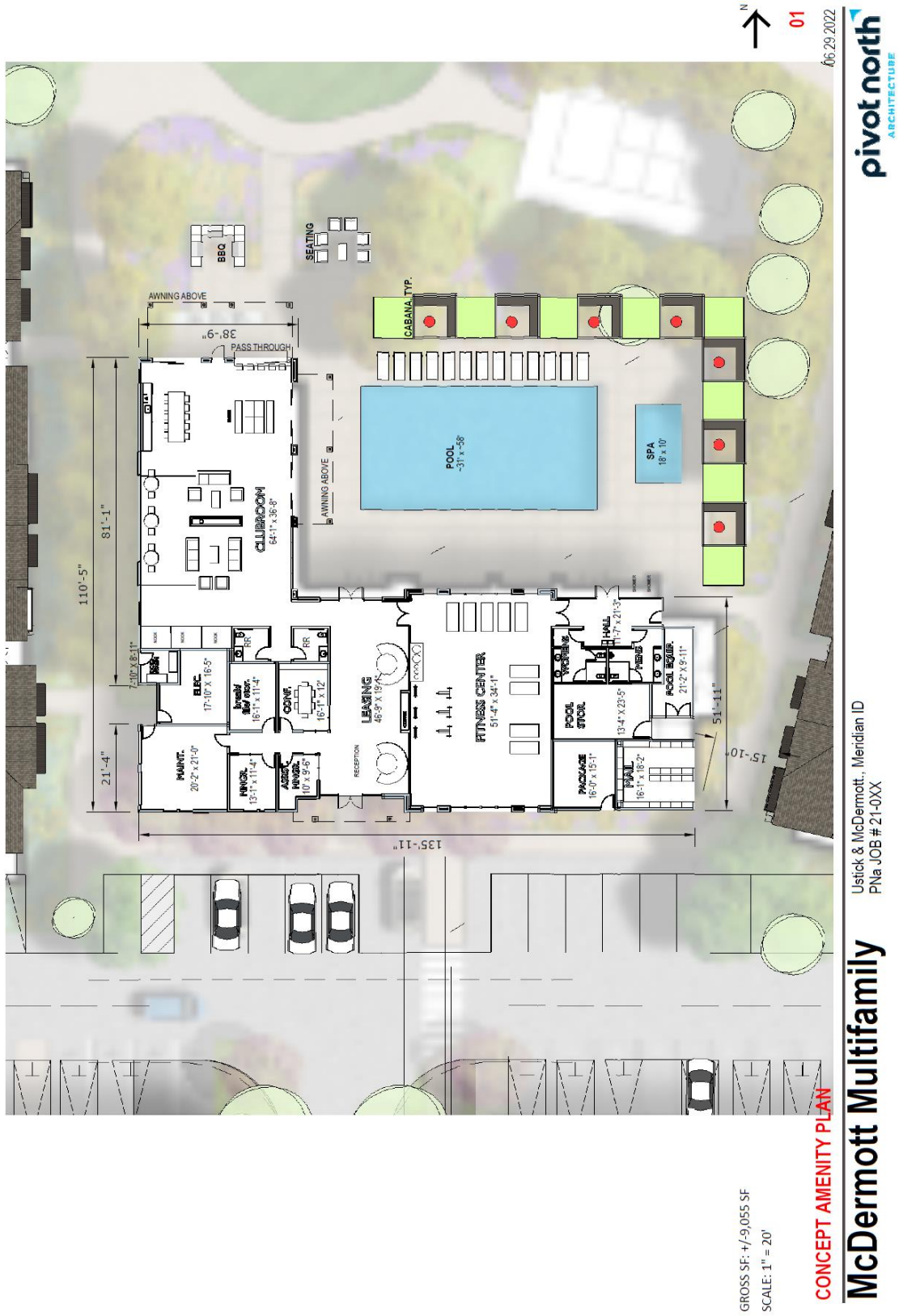


**McDermott Mixed-Use**

GGLO

06/30/2022

G. Site Amenity Plans for Multi-Family & Townhome Developments – CUP (dated: 6/29/22)





1 TOWNHOME AMENITIES PLAN

## McDermott Mixed-Use

McDermott and Ustick, MERIDIAN, ID  
2022014.01

## H. Conceptual Building Elevations & Perspectives for Residential (dated: 6/30/22)

### Townhomes:



### Multi-Family Development – Apartment & Amenity Buildings:



CONCEPT IMAGERY

**McDermott Mixed-Use**

McDermott and Ustick, MERIDIAN, ID  
Pila JOB # 21-059

v1  
06.30.2022

**pivot north**  
ARCHITECTS



VIEW 5. VIEW TO RESIDENT BUILDING, LOOKING NORTH WEST



VIEW 6. VIEW TO RESIDENT BUILDING, LOOKING SOUTH EAST



VIEW 7. VIEW TO RESIDENT COMMUNITY FROM FUTURE HIGHWAY



VIEW 8. AERIAL VIEW TO AMENITY BUILDING

CONCEPT IMAGERY

## McDermott Mixed-Use

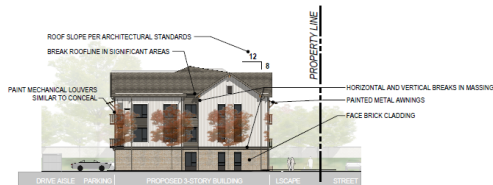
McDermott and Ustick, MERIDIAN, ID  
PNa JOB # 21-059

v2  
06.30.2022

**pivot north**  
ARCHITECTURE



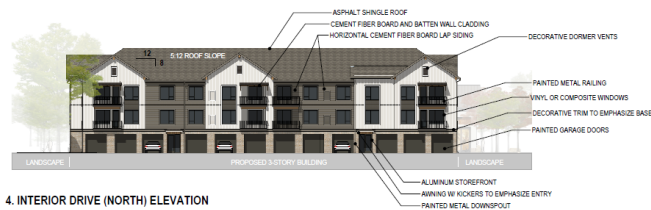
1. STREET (NORTH) ELEVATION



2. STREET (WEST) ELEVATION



3. HWY16 (EAST) ELEVATION



4. INTERIOR DRIVE (NORTH) ELEVATION

CONCEPT ELEVATION VIEWS

SCALE: 1/16" = 1'-0" @ 24x36

## McDermott Mixed-Use

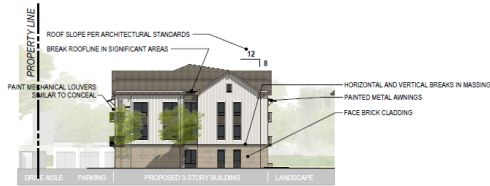
McDermott and Ustick, MERIDIAN, ID  
PNa JOB # 21-059

01  
06.30.2022

**pivot north**  
ARCHITECTURE



1. OPEN SPACE (SOUTH) ELEVATION



2. (WEST) ELEVATION



3. (EAST) ELEVATION



4. INTERIOR DRIVE (NORTH) ELEVATION

CONCEPT ELEVATION VIEWS

SCALE: 1/16" = 1'-0" @ 24x36

**McDermott Mixed-Use**

McDermott and Ustick, MERIDIAN, ID  
PNa JOB # 21-059

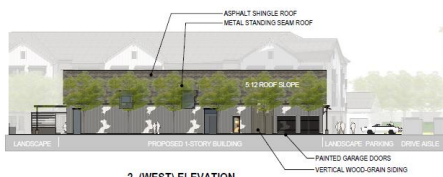
02

06.30.2022

**pivot north**  
ARCHITECTURE



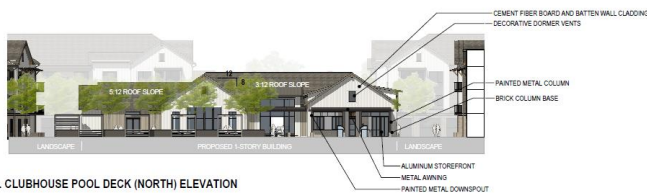
1. CLUBHOUSE ENTRY (SOUTH) ELEVATION



2. (WEST) ELEVATION



3. (EAST) ELEVATION



4. CLUBHOUSE POOL DECK (NORTH) ELEVATION

CONCEPT ELEVATION VIEWS

SCALE: 1/16" = 1'-0" @ 24x36

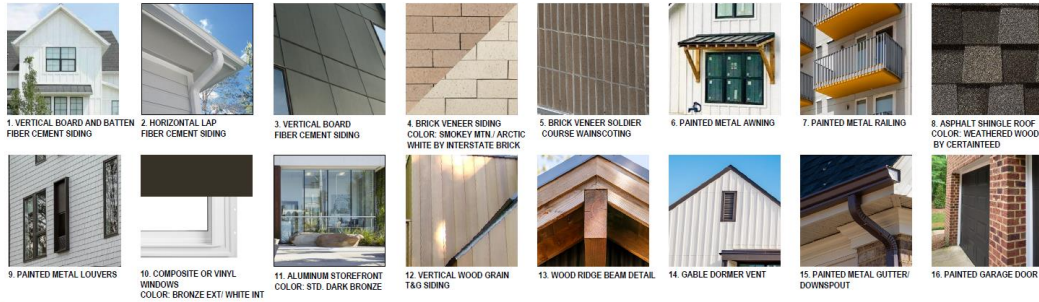
**McDermott Mixed-Use**

McDermott and Ustick, MERIDIAN, ID  
PNa JOB # 21-059

03

06.30.2022

**pivot north**  
ARCHITECTURE



NOTE: NUMBERS DENOTE MATERIALS LETTERS DENOTE COLORS

NOTE: ALL MATERIALS AS NOTED OR OWNER APPROVED EQUAL

CONCEPT DETAIL/ MATERIAL BOARD

**McDermott Mixed-Use**

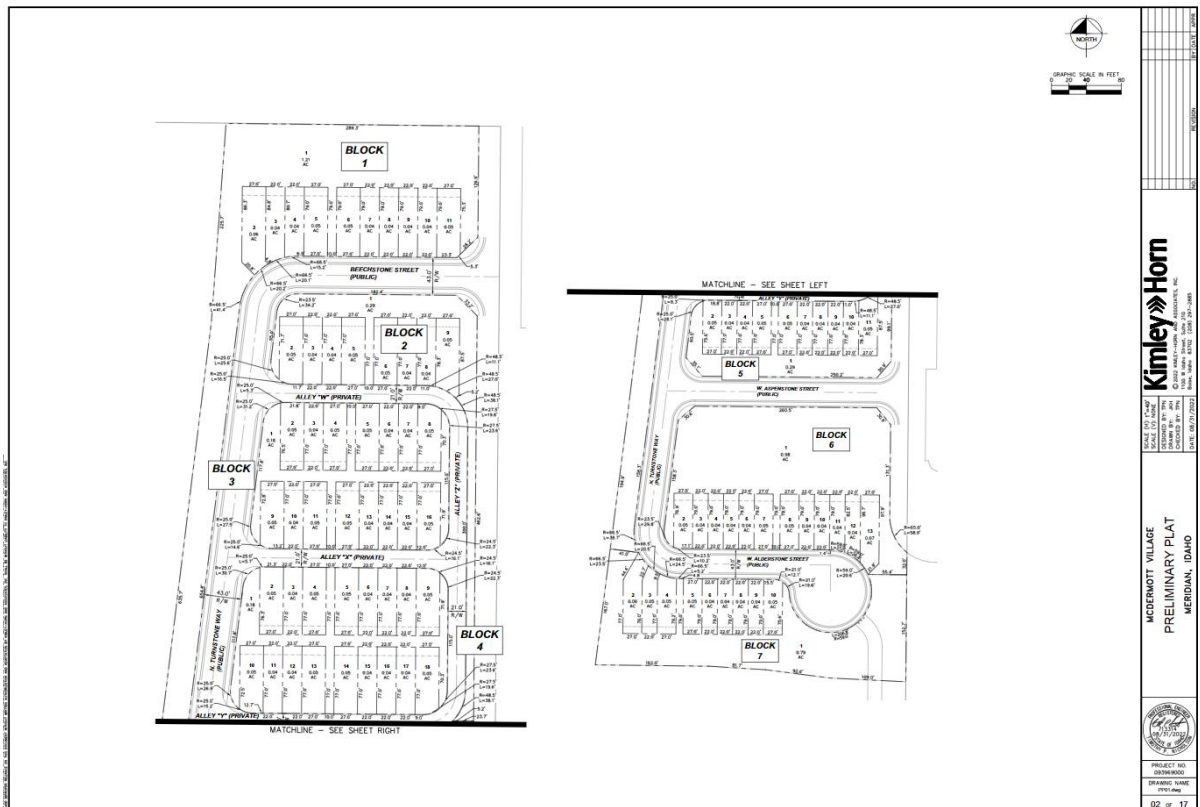
McDermott and Utick, MERIDIAN, ID  
PNa JOB # 21-059

**pivot north**  
ARCHITECTURE

XX

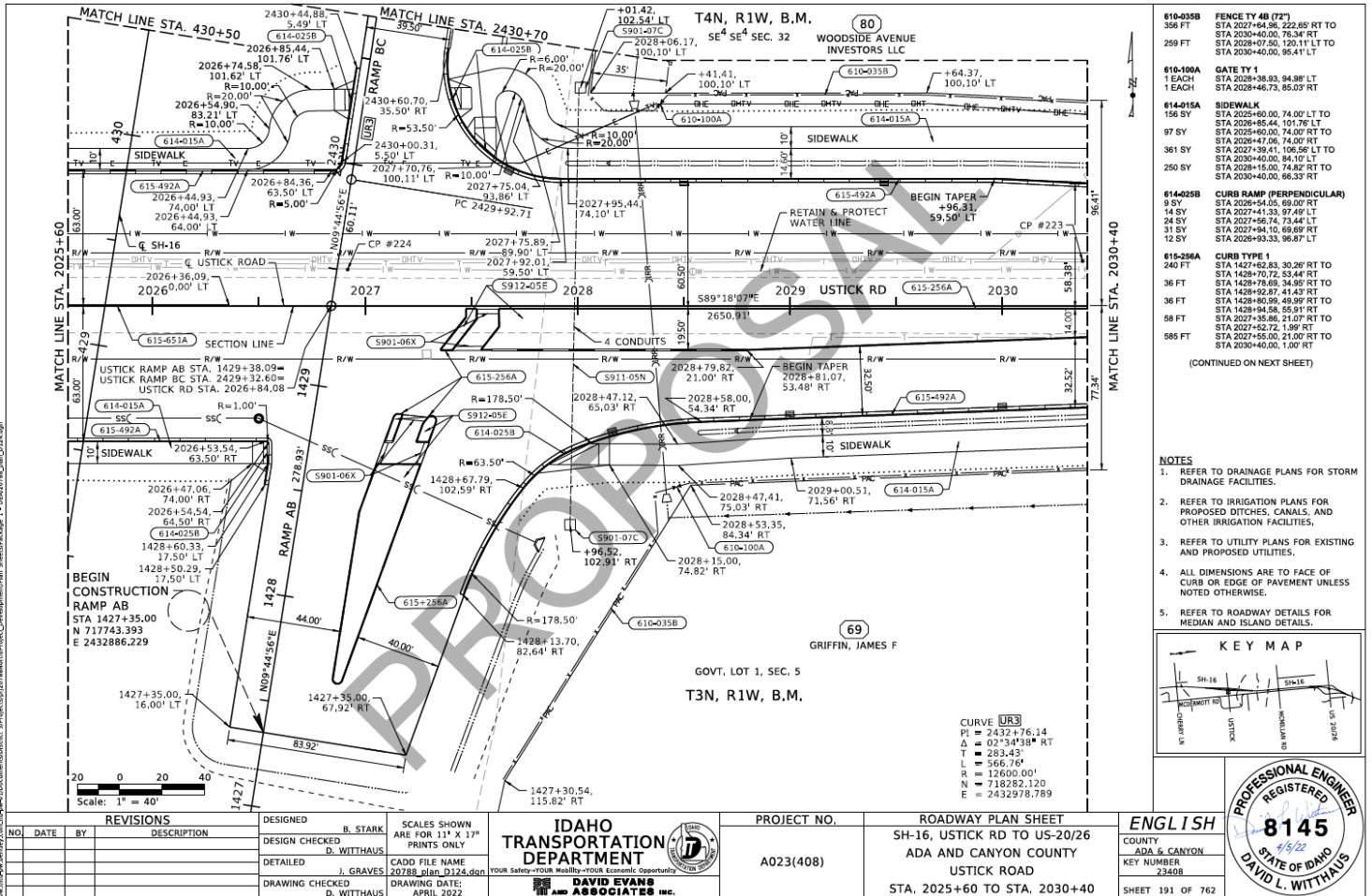
06.29.2022

## I. Emergency Access Exhibit Approved by Fire Department

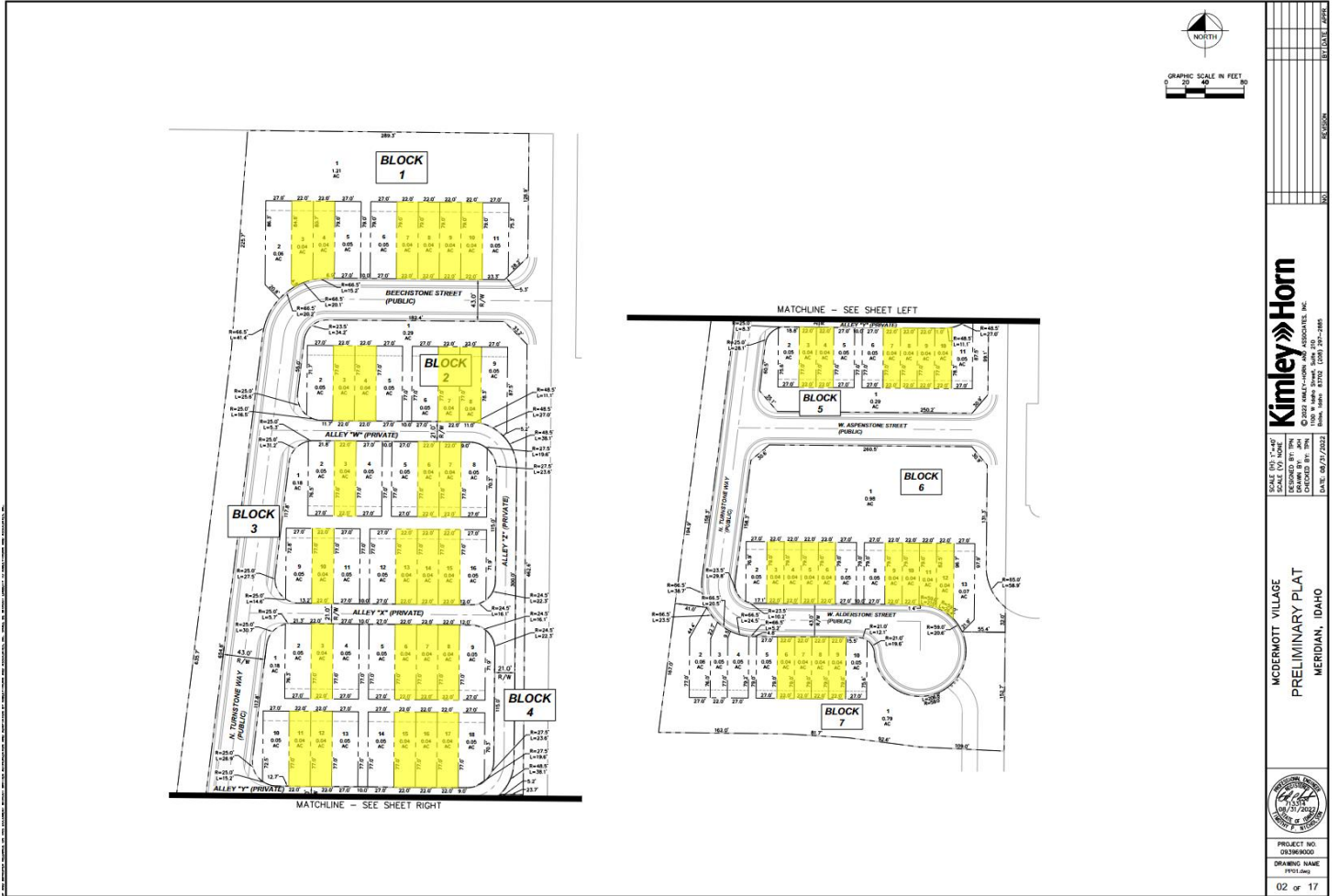




# J. ITD's Plan for the Ustick Rd./SH-16 Interchange



K. Lots allowed to be reduced in size with Variance request



## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

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

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

- a. Development of the subject property shall be generally consistent with the conceptual development plan, site plan, preliminary plat, conceptual phasing plan, landscape plan, open space and site amenity exhibits, and conceptual building elevations submitted with the application contained herein.
- b. The two (2) commercial buildings proposed on the northern portion of the site shall be arranged to create some form of common, usable gathering area, such as a plaza or green space as depicted on the conceptual development plan in accord with the mixed-use guidelines in the [Comprehensive Plan](#) (see pg. 3-13).
- c. A minimum 25-foot wide buffer shall be provided on the C-G zoned property to the adjacent residential use to the west (Flower #S0432438850) and to the future multi-family residential uses in this development as set forth in UDC [Table 11-2B-3](#), unless such width is otherwise modified by City Council at a public hearing with notice to surrounding property owners as set forth in UDC [11-3B-9C.2](#). The buffer shall be landscaped in accord with the standards listed in UDC [11-3B-9C](#). ~~Note: If the land use on the Flower property changes to non-residential prior to development of the subject property, a buffer to residential uses is not required.~~
- d. Noise mitigation shall be provided within the buffers along future SH-16 in accord with the standards listed in UDC [11-3H-4D](#) for residential uses adjoining a state highway.
- e. Private streets shall be required within the multi-family development for addressing purposes and shall comply with the standards listed in UDC [11-3F-4](#). The private street application shall be submitted prior to or concurrently with the final plat application.
- f. A 10-foot wide multi-use pathway shall be provided within the street buffers along N. Glassford Ave. adjacent to SH-16 within a 14-foot wide public use easement.
- g. The final plat shall be recorded prior to issuance of building permits for any structures within this development.
- h. All future structures constructed on this site shall comply with the applicable design standards contained in the Architectural Standards Manual.

#### **Preliminary Plat:**

2. The final plat shall include the following revisions:
  - a. Include a note granting cross-access/ingress-egress easements between all commercial lots in the subdivision via a note on the final plat or a separate recorded easement.
  - b. Depict all street landscape buffers in a common lot or on a permanent dedicated buffer easement, maintained by the property owner, homeowner's association or business owners' association as set forth in UDC [11-3B-7C.2a](#). *A minimum 35-foot wide buffer is*

*required along future SH-16 and the interchange and along N. McDermott Rd., entryway corridors; a minimum 25-foot wide buffer is required along the western portion of W. Ustick Rd., an arterial street; and a minimum 10-foot wide buffer is required along local streets in the C-G zoning district, measured per the standards listed in UDC [11-3B-7C.1](#).*

- c. Depict the easements for all waterways (i.e. the Sky Pilot Drain, the Eight Mile Lateral and the Noble Lateral) on the site; structures shall not encroach within these easements. *A License Agreement is required with NMID for any encroachments within the easements. If the location of the Eight Mile lateral changes, the new location shall be depicted on the plat.*
  - d. All R-15 zoned lots shall be a minimum of 2,000 square feet as set forth in UDC [Table 11-2A-7](#) except for the 44 lots approved to be reduced to 1,694 square feet with approval of the Variance request (see exhibit in Section VII. K for specific lots affected by the variance).
  - e. Graphically depict zero (0) lot lines on the internal lot lines where the townhomes are proposed (i.e. where structures will span across lot lines).
3. The landscape plan submitted with the final plat shall be revised as follows:
- a. Depict the bollards proposed to restrict access to the emergency access driveway off W. Ustick Rd. completely outside of the right-of-way.
  - b. Depict a 10-foot wide multi-use pathway within the street buffers along SH-16 within a 14-foot wide public use easement; the easement shall be submitted to the Planning division prior to submittal of the final plat for City Engineer signature.
  - c. Depict landscaping along all pathways as set forth in UDC [11-3B-12C](#).
  - d. Landscaping is required within the street buffer as set forth in UDC [11-3B-7C](#). *(See updated standards.)*
  - e. Depict landscaping within common open space areas as set forth in UDC 11-3G-5B.3.
  - f. Change the Fraxinus Pennsylvanica “Marshall’s Seedless” Green Ash tree to another variety per the City Arborists’ comments.
  - g. Depict a minimum of two (2) points of site amenities for the townhome portion of the development from the Site Amenities and Point Value [Table 11-3G-4](#). **~~The Applicant should clarify prior to or at the Commission hearing what amenities are proposed.~~**
4. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables [11-2A-7](#) for the R-15 district and [11-2A-8](#) for the R-40 district; and UDC Table [11-2B-3](#) for the C-G zoning district.
5. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#), unless otherwise waived by City Council.
6. Cross-access/ingress-egress easements shall be provided between all commercial C-G zoned lots in the subdivision via a note on the final plat or a separate recorded easement.
7. The emergency access driveway required and approved by the Fire Dept. off W. Ustick Rd. east of future SH-16 shall be approved by ITD as it’s located within the influence area of their intersection project.
8. All alleys shall comply with the standards listed in UDC [11-6C-3B.5](#).

### Conditional Use Permit:

9. Compliance with the specific use standards listed in UDC [11-4-3-27](#): Multi-Family Development and the dimensional standards listed in UDC [Table 11-2A-8](#) is required.
10. The site/landscape plans included in Section VII shall be revised as follows:
  - a. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC [11-4-3-27B.2](#).
  - b. Depict the location of the property management office; maintenance storage area; central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access; and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC [11-4-3-27B.7](#).
  - c. Depict safe pathway connections from the proposed multi-family development to the abutting high school to the west.
  - f. Depict landscaping along all the foundation of all street facing elevations in accord with the standards listed in UDC [11-4-3-27E](#).
  - g. Depict landscaping along all pathways per the standards listed in UDC [11-3B-12C](#). *A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway.*
  - i. Depict a minimum of 20 bicycle parking spaces per the standards listed in UDC 11-3C-6G; bicycle parking facilities shall comply with the standards listed in UDC [11-3C-5C](#). Bike racks should be provided in central locations for each multi-family building and the amenity building.
  - j. Depict a minimum of 495 off-street parking spaces for the development in accord with the standards listed in UDC [Table 11-3C-6](#) and [11-3C-6B.1](#) per the analysis in Section VI.
  - k. At a minimum, depict site amenities consisting of the following: a clubhouse with a fitness facility, a swimming pool and spa with cabanas and an outdoor lounge area; 10-foot wide multi-use pathways and internal walking trails; a plaza; a pickleball sports court; a bike repair station; ~~a commercial outdoor kitchen with a BBQ~~; a picnic area with tables, benches, landscaping and a shade structure; and a children's play structure.
  - k. Minimum 7-foot wide sidewalks shall be provided where parking abuts sidewalks if wheel stops aren't proposed to prevent vehicle overhang in accord with UDC 11-3C-5B4; if 7-foot sidewalks are proposed, the length of the stall may be reduced to 17 feet.
11. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area as set forth in UDC 11-4-3-27B.5.
12. All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC [11-4-3-27F](#). **A recorded copy of the document shall be submitted prior to issuance of the first Certificate of Occupancy for the development.**

13. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units in accord with UDC [11-4-3-27C.6](#).
14. A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the multi-family and commercial development to ensure compliance with UDC standards and development provisions associated with this application. A Design Review application is required to be submitted for approval of the townhomes. Final design of all structures must comply with the design standards in the Architectural Standards Manual.

## **B. PUBLIC WORKS**

### **1. Site Specific Conditions of Approval**

- 1.1 There is a sewer loop on the northern section. Sewer connects to McDermont in Block 1 and the existing SSMH-06. Reconfigure the design so this is removed.
- 1.2 Manhole SSMH-11 and SSMH-12 has angles of pipe in/out of manhole at less than 90 degrees. Adjust these manholes so min angle of pipe through manhole is 90 degrees.
- 1.3 Provide Steel Casing for all locations where sewer crosses future Hwy 16 per City's casing requirements.
- 1.4 All manholes require 14ft graveled/paved access path.
- 1.5 End of the line requires minimum 0.6% slope.
- 1.6 Ensure manholes are not located in curb/gutter.
- 1.7 Sewer/water easement varies depending on sewer depth. Sewer 0-20 ft deep require a 30 ft easement, 20-25 ft a 40 ft easement, and 25-30 ft a 45 ft easement. Adjust easements accordingly.
- 1.8 Area is subject to the Oaks Lift Station and Pressure Sewer Reimbursement agreement.
- 1.9 No permanent structures (trash receptacle walls, trees, bushes, buildings, carports, fences, infiltration trenches, light poles, etc.) are to be built within the utility easement.
- 1.10 Sewer must be built 10ft from edge of easement.
- 1.11 Ensure no sewer services pass through infiltration trenches.
- 1.12 12-inch water main must be built to and through the development on McDermott Road. On west side of future SH-16, water must connect to north.
- 1.13 A streetlight plan will be required for the development of this property.

### **2. General Conditions of Approval**

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

- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.

- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at [http://www.meridiancity.org/public\\_works.aspx?id=272](http://www.meridiancity.org/public_works.aspx?id=272).
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

#### **C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=272855&dbid=0&repo=MeridianCity>

#### **D. POLICE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=279522&dbid=0&repo=MeridianCity>

**E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=273744&dbid=0&repo=MeridianCity>

**F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=276592&dbid=0&repo=MeridianCity>

**G. WEST ADA SCHOOL DISTRICT (WASD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=279662&dbid=0&repo=MeridianCity&cr=1>

**H. PARK'S DEPARTMENT**

City Arborist:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=272795&dbid=0&repo=MeridianCity>

**I. COMMUNITY DEVELOPMENT SCHOOL IMPACT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=275929&dbid=0&repo=MeridianCity>

**J. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=273537&dbid=0&repo=MeridianCity&cr=1>

**K. IDAHO TRANSPORTATION DEPARTMENT (ITD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=278192&dbid=0&repo=MeridianCity>

**L. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=275528&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;  
*The City Council finds the proposed zoning map amendment to R-15, R-40 and C-G and subsequent development is generally consistent with the Comprehensive Plan and the MU-R FLUM designation.*
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

*The City Council finds the proposed map amendment will allow for the development of commercial uses which will assist in providing for the service needs of area residents; and residential uses which will contribute to the range of housing opportunities in the City consistent with the purpose statement of the commercial and residential districts in accord with the Comprehensive Plan.*

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

*The City 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

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

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

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

#### **B. Preliminary Plat:**

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;

*The City Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use and transportation. (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;

*The City 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, the City 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;

*The City Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, 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,

*The City 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.

*The City Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.*

### **C. Conditional Use Permit (UDC 11-5B-6E)**

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

*The City Council finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the R-40 zoning district (see Analysis, Section V for more information).*

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

*The City Council finds that the proposed use is consistent with the future land use map designation of MU-R and is allowed as a conditional use in UDC Table 11-2B-2 in the R-40 zoning district.*

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

*The City Council finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for this area and with the intended character of the area and that such uses will not adversely change the character of the area.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*The City Council finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area. The Commission and Council should weigh any public testimony provided to determine if the development will adversely affect other properties in the vicinity.*

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

*The City Council finds that essential public services are available to this property and that the use will be adequately served by these facilities.*

### **D. Variance (UDC 11-5B-4):**

1. The variance relieves an undue hardship because of characteristics of the site;

*The City Council finds an undue hardship exists to this site due to the future extension of SH-16 and the Sky Pilot Drain bisecting this site, which will be relieved by granting the requested variance.*

2. The variance shall not be detrimental to the public health, safety, and welfare.

*The City Council finds granting the variance shall not be detrimental to the public health, safety and welfare.*