

## DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
  2. **C4 Land, LLC, Owner**
  3. **Conger Group, Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, 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 **C4 Land, LLC**, whose address is 1979 N. Locust Grove Rd., Meridian, Idaho 83642, hereinafter called OWNER; and **Conger Group**, whose address is 4824 W. Fairview Ave., Boise, Idaho 83706, hereinafter called DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit "A", which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code ("UDC"), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer have submitted an application for annexation and zoning of 35.086 acres of land with a request for the R-15 (Medium-High Density Residential) zoning district on the property as shown in Exhibit "A" under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested rezoning held before Planning and Zoning Commission and the City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 2<sup>nd</sup> day of April, 2024, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation is in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

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

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

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER:** means and refers to **C4 Land, LLC**, whose address is 1979 N. Locust Grove Rd., Meridian, Idaho 83642, hereinafter called OWNER, the party that owns said Property and shall include any subsequent owner(s) of the Property.
- 3.3 **DEVELOPER:** means and refers to **Conger Group**, whose address is 4824 W. Fairview Ave., Boise, Idaho 83706, hereinafter called DEVELOPER, the party that is developing said Property and shall include any subsequent developer(s) of the Property.
- 3.4 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit “A” describing a parcel

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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. Future development of this site shall be consistent with the preliminary plat, phasing plan, landscape plan, qualified open space, and qualified site amenities (i.e., a 5000+ s.f. children’s playground with a play structure, swings, climbing rocks, a climbing dome, seating benches, within a safe fenced area, two pickleball courts, a pool with changing facility and restrooms, and a fenced dog park), and conceptual building elevations included in Section VIII of the Staff Report attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit “B” and the provisions contained herein.

b. The Applicant may deed the Vanguard Way right-of-way to ACHD prior to the submittal of the first phase of a final plat.

c. A Design Review application shall be submitted and approved for the proposed single-family attached homes prior to submittal of a building permit application. The Applicant shall comply with the design standards listed in the Architectural Standards Manual and the Development Agreement. The single-family attached and detached structures are not required to incorporate porches along 30% of the front facades, with the exception of the ten (10) alley-loaded homes. Additionally, front-loaded 2-car garages are not required to be 20 feet behind the primary façade or designed with two (2) separate garage doors.

d. The rear and/or side of structures on lots that face S. Black Cat Road (i.e., Lots 17-43, Block 1) and the new collector road (Vanguard Way) (i.e., Lots 1-15, Block 1 and Lots 2-14, Block 2) shall incorporate articulation through changes in two or more of the following: modulation (e.g., projections, recesses, step-backs, pop-outs), bays banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement. **Requires Planning approval prior to issuance of building permits.***

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

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

- 7.1 **Acts of Default.** In the event Owner/Developer, or Owner/Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.
- 7.2 **Notice and Cure Period.** In the event of Owner/Developer's default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.
- 7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.
- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.
- 7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.6 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

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

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

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

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

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

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

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

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

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

**OWNER:**  
**C4 Land, LLC**  
1979 N. Locust Grove Rd.  
Meridian, ID 83642

**DEVELOPER:**  
**Conger Group**  
4824 W. Fairview Ave.  
Boise, ID 893706

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

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may be granted, to court costs and reasonable attorney's fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

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

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

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

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

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

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

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

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

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

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

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ACKNOWLEDGMENTS

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

OWNER:  
C4 Land, LLC

By: 

STATE OF IDAHO )  
 : ss:  
County of Ada )


On this 18<sup>th</sup> day of June, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Jim Conger, known or identified to me to be the Member of C4 Land, LLC and the person who signed above and acknowledged to me that he executed the same.

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



Camie Laney  
Notary Public  
My Commission Expires: 8-3-2026

DEVELOPER:  
Conger Group

By: 

STATE OF IDAHO )  
 : ss:  
County of Ada )

On this 18<sup>th</sup> day of June, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Jim Conger, known or identified to me to be the Member of Conger Group and the person who signed above and acknowledged to me that he executed the same. Resident

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



Camie Laney  
Notary Public  
My Commission Expires: 8-3-2026

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CITY OF MERIDIAN

ATTEST:

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

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

STATE OF IDAHO        )  
                              : ss  
County of Ada         )

On this \_\_\_\_ day of \_\_\_\_\_, 2024, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

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

(SEAL)

\_\_\_\_\_  
Notary Public for Idaho  
My Commission Expires: \_\_\_\_\_

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# EXHIBIT A



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617

## Avani Annexation Description

**BASIS OF BEARING** for this description is N. 0°43'00" E., between a brass cap marking the 1/4 corner common to Sections 15 and 16 and an aluminum cap marking the northwest corner of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho.

A parcel of land located in the SW1/4 of the NW1/4 of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho, more particularly described as follows:

**BEGINNING** at an aluminum cap marking the 1/4 corner common to Sections 15 and 16;

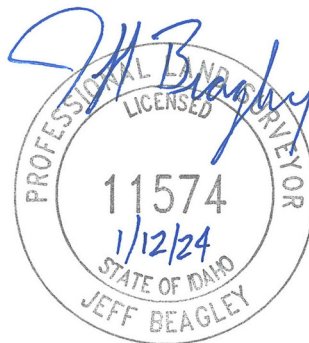
Thence N. 0°43'00" E., coincident with the west line of said SW1/4 of the NW1/4 and the centerline of S. BlackCat Road, 1319.36 feet;

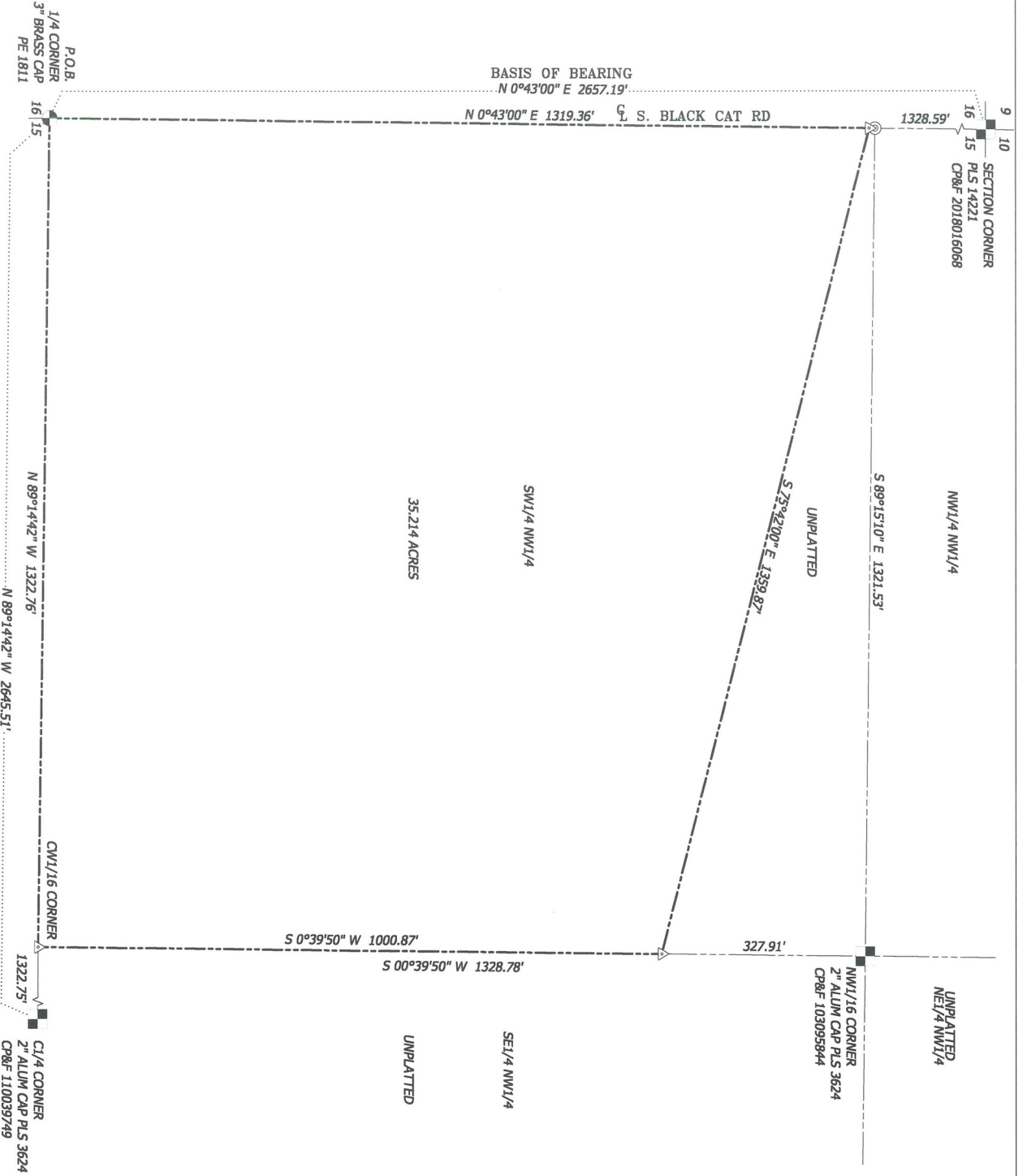
Thence leaving said west line and said centerline, S. 75°42'00" E., 1359.87 feet to the east line of said SW1/4 of the NW1/4;

Thence S. 0°39'50" W., coincident with said east line, 1000.87 feet to the SE corner of said SW1/4 of the NW1/4 (CW1/16 corner);

Thence N. 89°14'42" W., coincident with said south line, 1322.76 feet to the **POINT OF BEGINNING.**

The above described parcel contains 35.214 acres more or less.





**PROJECT:**  
 AVANI ANNEXATION EXHIBIT  
 SW1/4, NW1/4, SECTION 15  
 T. 3 N., R. 1 W., B.M.  
 ADA COUNTY, IDAHO

**OWNER/DEVELOPER:**  
 CONGER  
 MANAGEMENT GROUP

**DATE:**  
 8/2023



**2030 S. WASHINGTON AVE.**  
 EMMETT, ID 83617  
 P: (208) 398-8104  
 F: (208) 398-8105  
 WWW.SAWTOOTHLS.COM

**DWG #**  
 123135-EX  
**PROJECT #**  
 123135  
**SHEET**  
 1 OF 1

## EXHIBIT B

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



**In the Matter of the Request for Annexation of 35.086 acres of land to the R-15 (Medium-high-density residential) zoning district; and Preliminary Plat consisting of 256 building lots and 25 common lots on 33.71-acres of land in the R-15 zoning district for Avani Neighborhood Subdivision, by Conger Group.**

**Case No(s). H-2023-0049**

**For the City Council Hearing Date of: April 2, 2024 (Findings on April 2, 2024)**

### A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of April 2, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of April 2, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of April 2, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of April 2, 2024, incorporated by reference)

### B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of April 2, 2024, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

#### C. Decision and Order

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

1. The applicant's request for annexation and preliminary plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of April 2, 2024, attached as Exhibit A.

#### D. Notice of Applicable Time Limits

##### Notice of Preliminary Plat Duration

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

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

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

##### Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

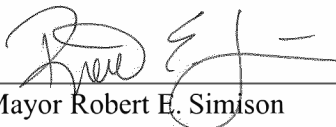
F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

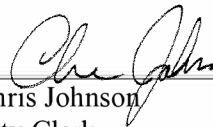
G. Attached: Staff Report for the hearing date of April 2, 2024


By action of the City Council at its regular meeting held on the 2nd day of April, 2024.

COUNCIL PRESIDENT JOE BORTON	VOTED _____
COUNCIL VICE PRESIDENT LIZ STRADER	VOTED <u>AYE</u>
COUNCIL MEMBER DOUG TAYLOR	VOTED <u>AYE</u>
COUNCIL MEMBER LUKE CAVENER	VOTED <u>AYE</u>
COUNCIL MEMBER JOHN OVERTON	VOTED <u>AYE</u>
COUNCIL MEMBER ANNE LITTLE ROBERTS	VOTED <u>AYE</u>
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED _____

  
\_\_\_\_\_  
Mayor Robert E. Simison      4-2-2024

Attest:

  
\_\_\_\_\_  
Chris Johnson      4-2-2024  
City Clerk



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

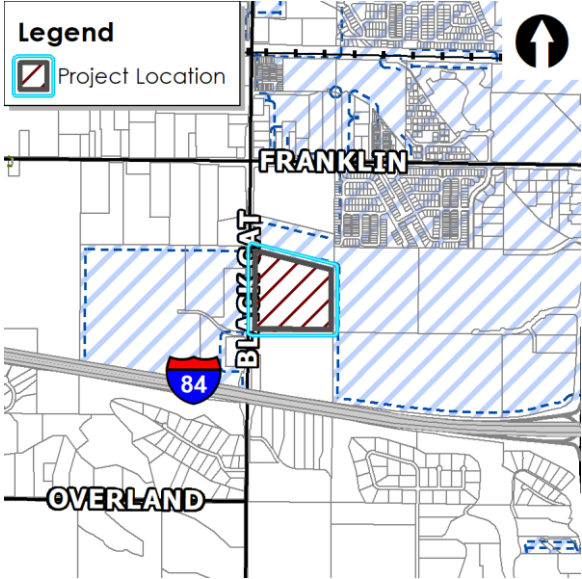
By:  \_\_\_\_\_ Dated: 4-2-2024  
City Clerk's Office

HEARING DATE: ~~March 12, 2024~~ continued to April 2, 2024

TO: Mayor & City Council  
 FROM: Stacy Hersh, Associate Planner  
 208-884-5533

SUBJECT: Avani Neighborhood AZ, PP  
[H-2023-0049](#)

LOCATION: Southeast of Franklin Road and Black Cat, North of I-84, in the SW 1/4 of the NW ¼ of Section 15, T.3N., R.1W. (Parcel #S1215233650)



**I. PROJECT DESCRIPTION**

Annexation of 35.086 acres of land to the R-15 (Medium-high-density residential) zoning district; and Preliminary Plat consisting of 256 building lots and 25 common lots on 33.71-acres of land in the R-15 zoning district for Avani Neighborhood Subdivision.

**NOTE: Staff is recommending denial of the project because the applicant’s design (plat and elevations) is inconsistent with the design elements outlined in the TMISAP. The applicant has been made aware of Staff’s concerns and has elected to forego some of Staff’s recommended changes to gain a favorable recommendation. Below provides the basis for Staff’s recommendation; however, the Commission and Council should rely on all relevant information when determining if this project is consistent with the Plan and open to allowing deviations from the design elements as desired by the Applicant.**

**II. SUMMARY OF REPORT**

**A. Project Summary**

Description	Details
Acreage	33.71 acres (35.086 acres - annexation area)
Future Land Use Designation	Medium-High Density Residential (MHDR) in the Ten Mile Interchange Specific Area Plan (TMISAP)
Existing Land Use	agricultural
Proposed Land Use(s)	SFR detached and attached dwellings
Current Zoning	Rural-Urban Transition (RUT) in Ada County
Proposed Zoning	R-15
Lots (# and type; bldg/common)	256 building/8 common lots
Phasing plan (# of phases)	3 Phases
Number of Residential Units (type of units)	256 residential lots (95 attached units, 161 detached units)
Density (gross & net)	7.60 units/acre (gross)



Open Space (acres, total [%] / buffer / qualified)	6.68 (or 19.8%) qualified
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Amenities	Large central park, community pool with changing rooms, fenced play structure, swing set, seating benches, climbing dome, climbing rocks, fenced dog park and (2) pickleball sports courts.
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Physical Features (waterways, hazards, flood plain, hillside)	The Rosenlof Drain bisects the northwest corner of the site.
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Neighborhood meeting date	7/26/2023
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History (previous approvals)	None
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**B. Community Metric**

Description	Details
Ada County Highway District	
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No

Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	A portion of the collector street (Vantage Point Way) is required to be extended from the west boundary to the east boundary of the site per the Master Street Map.
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Proposed Road Improvements	<p><b>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</b></p> <ul style="list-style-type: none"> <li>Franklin Road is scheduled in the IFYWP to be widened to 5-lanes from McDermott Road to Black Cat Road with the design year in 2026 and the construction date has not been determined.</li> <li>The intersection of Franklin Road and McDermott Road is scheduled in the IFYWP to be reconstructed as a single-lane expandable roundabout. There is no design year or construction year, and this project requires coordination with the Nampa Highway District.</li> </ul> <p style="text-align: right;">2      DRAFT Avani Subdivision/ MPP23-0010/ H-2023-0049</p> <hr/> <ul style="list-style-type: none"> <li>Black Cat Road is listed in the CIP to be widened to 5-lanes from Franklin Road to Overland Road between 2036 and 2040. Funding for ITD's portion is not included with this project.</li> </ul>
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**Fire Service**

<ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>	2.8 miles from Station #2
<ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>	Falls <b>just outside</b> of the 5-minute response time goal
<ul style="list-style-type: none"> <li>Resource Reliability</li> </ul>	82% (above the targeted goal of 80%)
<ul style="list-style-type: none"> <li>Accessibility</li> </ul>	This project meets all required access, road widths, and turnarounds as presented in the preliminary plat. The shared drives shall have an address sign at each entrance, the roadways, common driveways, and alleys shall be maintained 365 days a year for fire, EMS, and police responses.

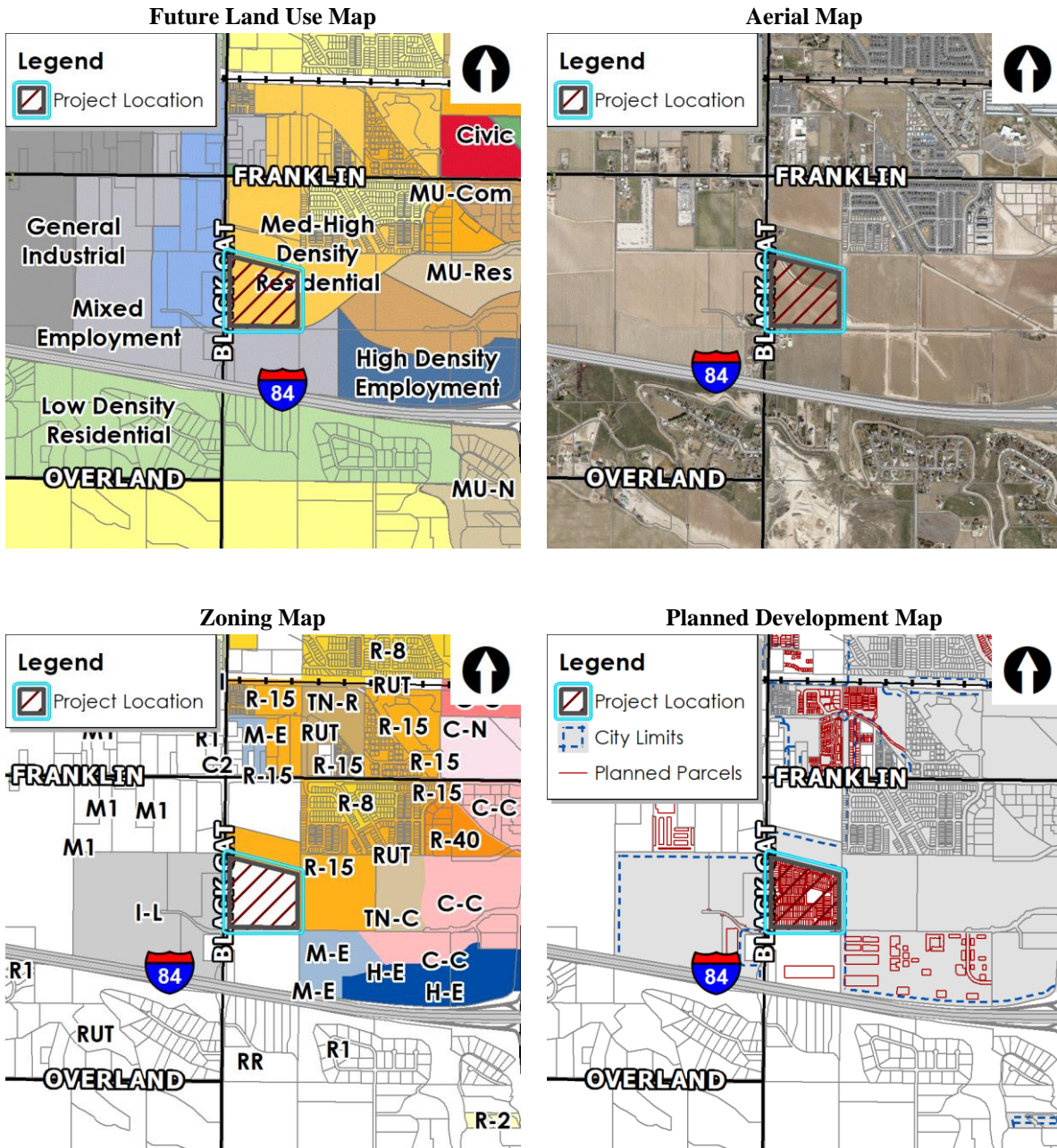
<ul style="list-style-type: none"> <li>Additional Comments/Concerns</li> </ul>	See Fire Staff Report in the link provided below under Section IX(C).
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Police Service	<i>No comments received</i>
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<ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>	
<ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>	

• Accessibility	
West Ada School District	<i>No Comments received</i>
Distance (elem, ms, hs)	
Capacity of Schools	
# of Students Enrolled	
# of students estimated for this development	
Wastewater	
• Wastewater Modeling	<ul style="list-style-type: none"> <li>• Must provide to and through to S1215325450</li> <li>• End of the line requires 0.6% slope</li> <li>• Flow is committed</li> <li>• 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.</li> <li>• Sewer easement varies depending on sewer depth. Sewer 0-15 ft deep require a 20 ft easement, 16-20 ft a 30 ft easement, and 21-30 ft a 40 ft easement. Adjust easements accordingly.</li> <li>• Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.</li> <li>• Ensure no sewer services pass through infiltration trenches.</li> </ul>
• Project Consistent with WW Master Plan/Facility Plan	
• Impacts/Concerns	See Public Works Site Specific Conditions under Section IX(B)
Water	
• Distance to Services	Water available at site
• Pressure Zone	2
• Estimated Project Water ERU's	See Application
• Water Quality Concerns	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	<p>See Public Works' Site-Specific Conditions under Section IX(B)</p> <ul style="list-style-type: none"> <li>• If a well is located on the site it must be abandoned per regulatory requirements and proof of abandonment must be provided to the City.</li> <li>• Each phase of the development will need to be modeled to verify minimum fire flow pressure is maintained.</li> <li>• Development requires two connections for looping. There are two options Option 1: Provide a second connection in zone 2 from either the north or the east Option 2: A second connection to Black Cat Rd. However, this requires a connection from Franklin road through parcel S1216120735 to parcel S1216131200. Additionally, the main in Black Cat Rd along the western boundary must be connected to the rest of the water system in two different places. In other words, the development cannot have two ties to Black Cat Rd if that run of main is a dead end.</li> <li>• There are multiple spots where fittings are located within the gutter. Don't have fittings in the gutter.</li> </ul>

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Laren Bailey, Conger Group – 4824 W. Fairview Avenue, Boise, ID 83706

B. Owner:

BLACKCAT1, LLC – P.O. Box 1968, Eagle ID 83616

C. Representative:

Laren Bailey, Conger Group – 4824 W. Fairview Avenue, Boise, ID 83706

**IV. NOTICING**

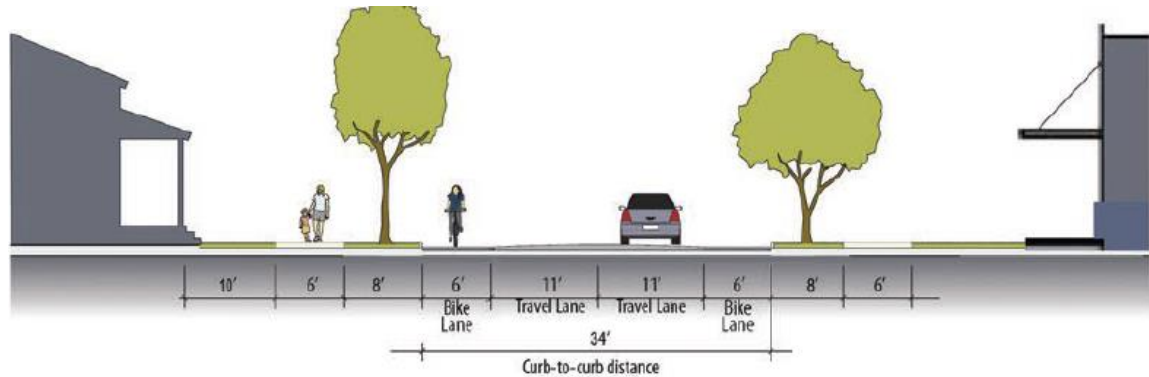
	<b>Planning &amp; Zoning Posting Date</b>	<b>City Council Posting Date</b>
Newspaper notification published in newspaper	1/16/2024	2/25/2024
Radius notification mailed to property owners within 500 feet	1/12/2024	2/24/2024
Public hearing notice sign posted on site	1/18/2024	2/23/2024
Nextdoor posting	1/10/2024	2/26/2024

**V. COMPREHENSIVE PLAN ANALYSIS**

**LAND USE:** This property is designated Medium High-Density Residential (MHDR) on the Future Land Use Map (FLUM) and is located within the area known as the Ten Mile Specific Area Plan (TMISAP). MHDR areas are recommended to develop primarily with relatively dense multi-family housing types, such as row houses, townhouses, condominiums, and apartments, not all single-family attached and detached homes as proposed by the applicant. These areas should have a mix of housing types that achieve an overall average density target of 12 dwelling units per acre with densities ranging from 8-15 units per acre. MHDR areas typically are relatively compact areas within a larger neighborhood and generally should be located around and near more intensely developed areas, such as Mixed Use Commercial or Employment areas, in order to provide convenient access to these commercial activity and employment centers for the greatest number of residents.

As noted above, the proposed development incorporates a mix of single-family attached (95) and single-family detached (161) homes, resulting in an overall gross density of 7.59 units per acre inconsistent with the target density desired in the MHDR FLUM designation in the TMISAP. Townhomes should be included in this development to be more consistent with the plan; however, the property to the east has approval to construct a 552-unit multi-family development to offset the need for additional multi-family in the area. Mixed- Employment areas are also entitled or in the development process to the west, south, and southeast so it is conceivable that this development may provide additional housing options for these employment areas.

**TRANSPORTATION:** ACHD’s Master Street Map (MSM) depicts a new town center collector street across the southern portion of this property from the west to the east boundary eventually connecting to S. Ten Mile Road. The Transportation System Map in the TMISAP lists the functional classification for this street as a collector street and the Street Section Map lists the design classification as a major collector street, which is intended to be constructed consistent with Street Section C as follows:



This street is planned to eventually provide a connection from S. Black Cat Road to S. Ten Mile Road. The

applicant is currently collaborating with the property owners directly to the south and east to complete the Collector Street (Vanguard Way) connection to Black Cat. It is the City's desire to have this street dedicated and constructed before residents occupy the homes in this development.

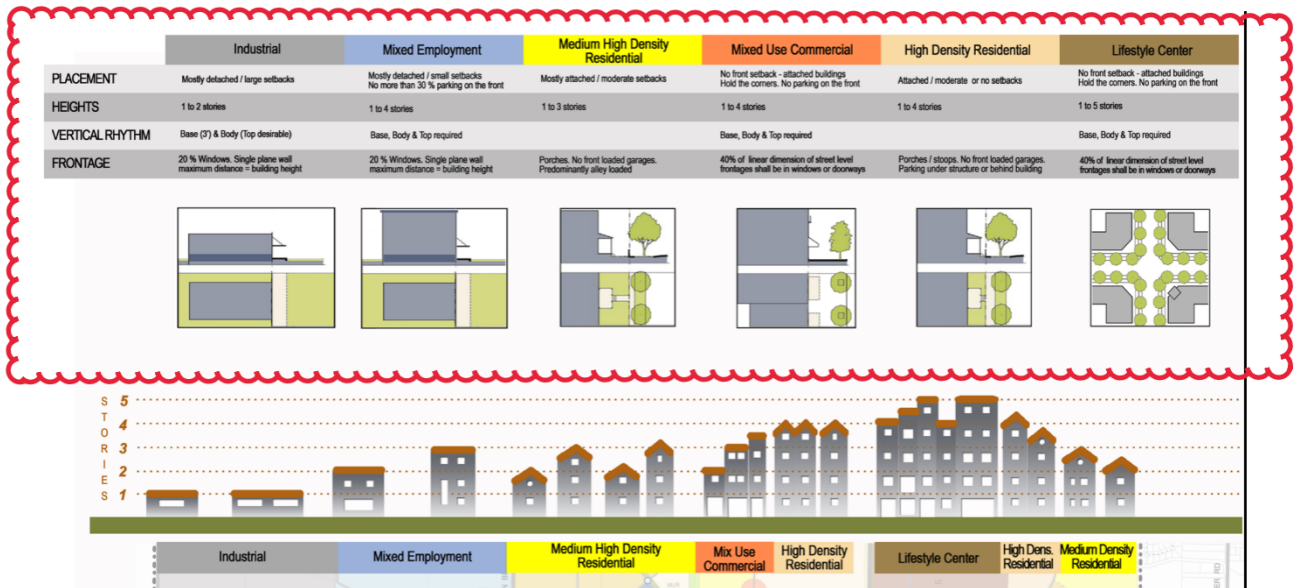
Local streets, alleys, and common drives are proposed internally for access to the proposed residential units. **Staff believes the plat should incorporate more alley-loaded lots however, the Applicant believes there isn't a market for this type of housing and has elected to limit the number of alley-loaded homes to ten (10) which is inconsistent with the Plan.**

**BACKGROUND:** Ten Mile Interchange Area was intended to look, feel, and function differently than a typical residential subdivision. It operates as a form-based specific area plan, where the design of the built environment is the primary review element and intended to work in conjunction with the land use and zoning designations. These design elements should not be treated as a checklist; but used to implement the overall vision and support traditional neighborhood design desired by the Plan.

**DESIGN ELEMENT:** The design element is intended to serve as the basic framework for a project within the Ten Mile Interchange Area and the basis for the development of future design guidelines. They are considered the most important elements to "get right," there is not flexibility allowed in the modification of design elements. Future development should be consistent with the design elements in the TMISAP for the MHDR FLUM designation as determined by the Application of the Design Elements table (refer to the table below). Staff's analysis for how the Applicant's design adheres to the applicable design elements are italicized below.

***NOTE: Some of these design elements are not required by the UDC as envisioned by the Plan. Therefore, the applicant requests the Commission and Council allow some deviations to these design elements.***

Page . Design Element	Residential				Mixed Use			Employment				Special Areas	
	LDR	MDR	MHDR	HDR	MUR	MUC	LC	LDE	HDE	ME	I	Parks	Civic
<b>3-32. Architecture and Heritage</b>	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>3-33. Street oriented design</b>													
Commercial & mixed use bldgs.					●	●	●						
Residential Buildings	●	●	●	●	●	●	●						
<b>3-34. Buildings to Scale</b>								●					
<b>3-35. Gateways</b>													
<b>3-36 .Neighborhood Design</b>			●	●	●	●							
<b>3-37. Building Form &amp; Character</b>						●	●						
Commercial Activity Centers							●						
Building Facades	●	●	●	●	●	●	●	●	●	●	●	●	●
Building Heights	●	●	●	●	●	●	●	●	●	●	●	●	●
General Limit of 4 stories	●	●	●	●	●	●	●	●		●	●	●	
First Floor Ceiling Heights for Retail					●	●	●						
Up to 6 Stories							●		●				
Base, Body, and Top					●	●	●	●	●	●	●		
Frontage													
Commercial Retail Frontage					●	●	●						
Live /Work Unit Frontage			●	●	●	●	●						
Urban Resid. Frontage in Commercial Districts			●	●	●	●	●						
Neighborhood Residential & Institutional		●	●	●									●
Roofs													
Flat				●	●	●	●	●	●	●	●		●
Pitched	●	●	●	●	●	●	●	●	●	●	●	●	●
<b>3-41. Building Details</b>													
Materials					●	●	●						
Screening of Mechanical Units and Service Areas				●	●	●	●		●			●	●
Awnings						●	●		●				
Canopies						●	●						
<b>3-46. Signs</b>					●	●	●	●	●	●	●		
<b>3-47. Public Art</b>	●	●	●	●	●	●	●	●	●	●	●	●	●



**3-33. Street-oriented Design:** Useable porches should be a dominant element of residential buildings and should be located along at least 30% of the front façade of the buildings – a higher percentage is recommended as is the location of porches on one or more side facades. When possible, garages should be loaded from a rear alleyway. Where garages must be accessed from the front, the garages must be located no

less than 20' behind the primary façade. Front-loaded 2-car garages that are visible from the primary street must be designed with two (2) separate garage doors.

*Out of the 256 single-family units, only 10 are alley-loaded; the others are all front-loaded with living area either at the same plane or behind the garages away from the street. A few of the units have usable porches that might meet the guidelines. No porches are proposed on the side facades. All units have single 2-car garage doors, not separate doors.*

**3-34. Buildings to Scale:** Everything seen and experienced from the sidewalk – building fronts, lighting, open space – should be designed for human interaction at a pedestrian's perspective. Key elements to consider are the continuity of the building sizes, how the street-level and upper-level architectural detailing is treated, elements that anchor and emphasize pedestrian scale, roof forms, rhythm of windows and doors, and general relationship of buildings to public spaces such as streets, plazas and other open space. Human-scale design is critical to the success of built places for pedestrians. Building entrances should be placed close to the street; ground floor windows, articulated facades, appropriately scaled lighting, awnings and other weather protection should be provided.

*The proposed elevations do not meet the design criteria that encourage building entrances to be situated close to the street, primarily due to their garage-dominated nature. Elevations for the alley-loaded units were not submitted with the application, making it difficult for Staff to determine if they comply with these guidelines. Lighting at a pedestrian scale should be provided on the buildings facing the street and internal walkways. A different product type should be provided for the detached and attached units with garages behind the units, and building entrances facing the street with front/side porches.*

**3-36. Neighborhood Design:** All residential neighborhoods in the Ten Mile interchange area should be developed in consideration of traditional neighborhood design principles and concepts, which pertain to mixed housing stock, architecture and design, streetscapes and streets. Front porches and garages accessed from an alley are usually the standard in residential areas; parking for homes is primarily located behind buildings. Streetscape design relates to the street itself and consists of landscaped parkways with trees between curbs and sidewalks, adjacent sidewalks and front yard spaces and provides public space for street trees, street furniture and view corridors. Other aspects of neighborhood design that contribute to a traditional streetscape are connected network of streets, alleys and sidewalks. Roadways and pedestrian ways are interconnected so that access for pedestrians, cyclists and automobile drivers is direct and convenient and allows traffic to be dispersed through a variety of streets and ways. Narrower streets designed with TND characteristics result in slower moving traffic and provide a safer, more pleasant pedestrian environment and encourages interaction among residents.

*As previously noted, usable porches that meet the minimum guidelines are not provided for the single-family attached and detached units as desired. Alley-accessed garages and parking are only provided for the 10 detached units; the other 246 single-family units are all accessed from the street with parking in front of the garages facing the street, which is not desired.*

*Shorter block lengths and narrower streets help build a greater sense of community. As proposed, these lots are narrow and garage dominated which creates more driveways and less tree-lined streets along the primary streets which is contradictory to TND principles. More alley-loaded homes would enhance the streetscape for this development and ground the front porches to the primary street per the Plan.*

**3-37. Building Form & Character: Building Facades** – Buildings should be designed so that their primary facades relate to active public spaces and pedestrian areas. The primary façade of a structure is that frontage of the building that has been designed and detailed so as to represent the building's most important elevations. The primary façade should always include an entry into the building. Entries should be located so as to provide direct access from adjacent public spaces, primary streets and activity areas. Access from walkways should be uninterrupted by vehicular traffic. Buildings should be located so as to help frame adjacent public spaces and to provide an architectural backdrop for associated passive and active activities. The space between a building façade and the adjacent walkway should be appropriately landscaped with a combination of lawns, groundcover, shrubs and trees.

*Access from walkways to the main living areas is only uninterrupted by vehicular traffic for 10 alley-loaded units, as these units have garages accessed from the alleys. The other single-family attached and detached structures are not designed to have the primary façade relate to active pedestrian areas, public spaces, or primary streets due to the orientation of the garages and building entries. Building entries are not the focal point of the homes and the front-loaded garages limit direct pedestrian access from the street because most of the entries are located behind the garages. As noted above, the 8-foot parkways are also diminished due to this design.*

**Building Heights:** Low-rise buildings of 2-4 stories over much of the area is recommended.

*A mix of one-story single-family and two-story single-family attached and detached structures are proposed in general conformance to this guideline. This applicant's preference is to have single-story homes along collector and arterial streets to enhance the streetscape.*

- **Pitched Roofs:** A mix of flat and pitched roofs are anticipated in the Ten Mile area based on a wide variety of individual buildings. Pitched roofs should be, where possible, symmetrical hips or gables, with a pitch between 4:12 and 12:12 with an overhang of at least 12 inches and a maximum of 2.5'. Roof brackets and rafter tail treatments are encouraged.

*All of the roof pitches proposed fall within the desired pitch range. Corbels are depicted some of the concept elevations; rafter tail treatments are encouraged as well as other design elements as noted in the ASM. Staff cannot verify if there is at least 12 inches of overhang for all of the one-story and two-story homes proposed.*

**3-47. Public Art:** Public art should be incorporated into the design of streetscapes, public buildings, parks, transit, infrastructure, and other public projects in the Ten Mile area. Public art should be meaningful and encourage the free flow of ideas and cultural ideologies. Public art should be integrated into either the architectural design or the design of plazas and public spaces associated with a building and should be easily visible to the public (e.g. visible from the street or publicly accessible open spaces rather than interior courtyards).

*Public art is not proposed but could be provided in accord with this guideline. If the applicant desires to include public art as part of the development it would qualify as another amenity (1 point).*

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

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

*The Applicant is proposing to construct 10-foot wide multi-use pathways along S. Black Cat Road and Vanguard Way (new collector) in accordance with the Meridian Pathways Master Plan Map. Additionally, a 5-foot wide micro path is proposed on the east side of the site, extending in a north-south direction. The following amenities are proposed: community pool and changing rooms, fenced play structure, swing set, seating benches, climbing dome, climbing rocks, fenced dog park, and two (2) pickleball courts, exceeding the requirements outlined in UDC 11-3G-4.*

- “Require all new residential neighborhoods to provide complete streets, consistent with the Transportation and Land Use Integration Plan.” (2.02.01C)

*The plat illustrates that all internal local streets within this development are depicted as 27-foot wide street sections with curbs and gutters, allowing parking on only one side. “No Parking” signs shall be*



*installed on that designated side of the street. The smaller street sections are encouraged in the TMISAP to promote pedestrian movement and access by enhancing connectivity and promoting walking.*

- “Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D)

*The proposed 10-foot wide pathways and 5-foot wide micro path provide connectivity to the Mixed Employment developments proposed to the south, the proposed multi-family development (Vanguard Village) to the east, and the future medium-high density development to the north.*

- “Continue to develop and implement the desired vision in special areas, areas with specific plans, and along key transportation corridors.” (3.03.01A)

*The TMISAP is a form-based specific area plan where the design of the built environment is the primary review element. The City’s vision for this area is for all residential to have a Traditional Neighborhood Design. Front porches and alley-loaded garages are the standard and help to create a pedestrian-friendly environment. Streetscapes should relate to the street itself and landscaping with trees between curbs and sidewalks, the adjacent, front yard spaces, and the building frontages. Staff finds that the proposed plat, landscape, and elevations do not align with the City’s vision for this area.*

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

*The Applicant’s design does not align with the Plan; therefore, staff finds it is not in the City’s best interest to annex this property.*

- “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.*

- “Ensure that new development and subdivisions connect to the pathway system.” (4.04.01A)

*The proposed subdivision proposes a 10-foot wide pathway along S. Black Cat Road and Vantage Point Way (new collector) in accordance with the Meridian Pathways Master Plan Map, thereby enhancing connectivity to future developments.*

- “Assess and compare response times to adopted standards for identification of additional needed resources.” (4.11.01B)

*This project currently falls in an area where emergency personnel don’t have response times that meet NFPA 1710 standards or the current City of Meridian adopted standards. The first due station is Fire Station 2. This fire station is approximately 2.8 miles from the project.*

- “Foster a walkable and bikeable community through good site and street design.” (5.01.01A)

*The pathways and sidewalks within the development contribute to creating a walkable community. However, the proposed narrower street sections should coincide with shorter block lengths or traffic calming to provide a more compact, diverse, and walkable neighborhood as envisioned by the plan. ACHD is also requiring shorter block lengths or passive traffic calming.*

- “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 with development of the subdivision; services are required to be provided to and through this development in accordance with*

current City plans.

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

*Public art is not proposed with this development as emphasized by the TMISAP. Public Art should be included as a fundamental element in new development projects within the TMISAP. This policy suggests a commitment to fostering a visually enriched and culturally vibrant environment by actively encouraging the inclusion of artistic elements as an integral part of the overall development strategy. Public art could be displayed either at the entrance to the subdivision and/or within the large central park proposed in the development.*

## VI. STAFF ANALYSIS

### A. ANNEXATION (AZ)

The Applicant proposes to annex 35.214 acres of land with an R-15 (Medium-High Density Residential) zoning district which is listed in the Zoning District Compatibility Matrix in the TMISAP as one of the best choices for zoning in the MHDR designation.

A preliminary plat and conceptual building elevations were submitted, included in Section VIII, showing how the property is proposed to be subdivided into 256 building lots and 25 common lots for the development of 10 single-family detached alley-loaded dwellings, 95 single-family attached dwellings & 151 single-family detached dwellings.

The proposed residential use and mix of housing types may be consistent with the MHDR FLUM designation; **however, the proposed density of 7.59 is below the target density of 12 dwelling units per acre. The proposed architectural design does not comply with the TND guidelines in the TMISAP, as discussed above. Development in this area should conform to these guidelines in order to be deemed consistent with the Plan and determine if it is in the City’s best interest to annex this property.**

This property, is surrounded by an existing light industrial development to the west (Black Cat Industrial future residential uses to the north, future multi-family development to the east (Vanguard Village), a future R-15 development to the north (extension of Baraya), and mixed employment (M-E) proposed to the south.

A legal description and exhibit map for the boundary of the property proposed to be annexed is included in Section VIII.A. This property is within the City’s Area of City Impact boundary and within the area governed by the Ten Mile Interchange Specific Area Plan (TMISAP), as discussed above in Section V.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **A DA is not necessary based on staff’s recommendation of denial.**

### B. PRELIMINARY PLAT (PP):

A preliminary plat is proposed consisting of 256 [95 single-family attached, 10 alley-loaded, and 151 single-family detached units] building lots and 25 landscape, six (6) common driveways, two (2) alleys, and one (1) non-buildable lot on 33.707-acres of land in the R-15 district. Proposed lots range in size from 2,436 to 5,357 square feet (s.f.) with an average lot size of 3,584 (sf.) The subdivision is proposed to develop in three (3) phases as shown on the preliminary plat in Section VIII.C.

Single-family attached and detached dwellings are listed as a principal permitted use in the R-15 zoning district per UDC [Table 11-2D-2](#). **The proposed plat appears to comply with the R-15 zoning standards.**

**Existing Structures/Site Improvements:** There are no existing structures on the property that are proposed to be removed upon development.

**Dimensional Standards (UDC [Table 11-2D-6](#)):** The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC Table [11-2D-6](#) for the R-15 zoning

district. There is a 2,000 minimum lot size in the R-15 district; each building site is required to be of sufficient size to meet the minimum setbacks for the district.

**Access:** Access is proposed via the extension of Vantage Point Way, a new collector street, along the southern boundary of the subdivision. Vantage Point Way will extend to the west boundary across Black Cat Road to be extended with the Black Cat Industrial Development (H-2021-0064).

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

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

The Applicant is proposing one (1) curb cut-off of Vantage Point Way, a planned collector street in the TMISAP. In accordance with UDC 11-3A-3 (Access to streets), multiple accesses off an arterial and/or collector roadway shall be restricted. The Applicant has proposed an emergency access only off of Black Cat Road and has included a stub street to the north (Street H) for potential future access. **Staff recommends that the Applicant collaborates with the property owner to the east to consider incorporating a potential stub street on the east side of this site for connectivity to the future Medium-High Density Residential Development, subject to approval by ACHD.**

**Common Driveway (UDC [11-6C-3D](#)):** Six (6) common driveways are proposed within the development of the site on Lot 42, Block 1, Lot 16, Block 1, Lot 41, Block 2, Lot 33, Block 2, Lot 16, Block, 2, and Lot 23, Block 5. Common driveways are allowed to serve a maximum of four (4) dwelling units; in no case shall more than three (3) dwelling units be located on one (1) side of the driveway. **A total of four (4) dwelling units are proposed on the south side of driveway for Lot 23, Block 5; the final plat and common driveway exhibit shall be revised to depict a maximum of three (3) units on one (1) side of the driveway as required; or, alternative compliance may be requested as set forth in UDC [11-5B-5](#).**

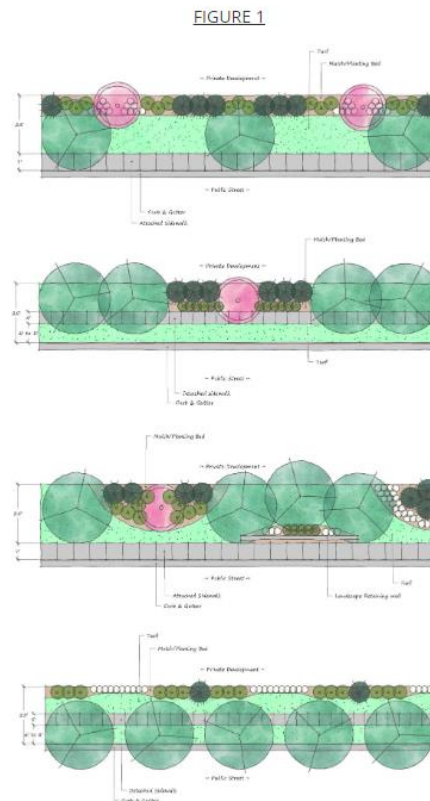
A perpetual ingress/egress easement is required to be filed with the Ada County Recorder for the common driveway, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. **This may be accomplished through the depiction of the easement on the face of the final plat and an accompanying note. If a separate easement is recorded, a copy should be submitted to the Planning Division with the final plat for City Engineer signature.**

**Alleys (UDC [11-6C-3B.5](#)):** Two (2) 40-foot wide alleys are proposed for access to the single-family detached dwelling units on lots in Block 3 and Block 4. The Alley should be constructed in accord with the standards listed in UDC [11-6C-3B.5](#). **A detail of the alley should be submitted with the final plat that demonstrates compliance with these standards.**

**Parking:** All single-family attached and detached dwelling units are proposed to have a 2-car garage with a 2-space parking pad consistent with UDC [Table 11-3C-6](#) for 1- to 4-bedroom units; if any units contain more than 4 bedrooms, an additional two (2) spaces are required with at least one (1) of those being an enclosed space. An additional 150 on-street parking spaces (0.5+ per home) are available for residents and guests as shown on the parking exhibit in Section VIII.I. These spaces are located adjacent to common areas and in front of the detached dwelling units and attached dwelling units. **Staff finds that there is not adequate room in front of the attached units for on-street parking with the width**

of the lots vs. the driveways. With the narrow 27-foot wide streets proposed internally, which are desired with the *TMISAP*, parking is only allowed on one side of the street.

**Landscaping (UDC 11-3B):** A 25-foot wide street buffer is required is required along all arterial streets (i.e. S. Black Cat Road) in residential districts. A 20-foot wide street buffer is required along all collector streets (i.e. Vantage Point Way) a collector street, per UDC [Table 11-2D-7](#), landscaped per the updated standards listed in UDC [11-3B-7C](#). **The proposed buffer along the southern half of Black Cat Road appears to be 20-feet in width and should be 25-feet in width. The 20-foot wide buffer along the new collector street (Vanguard Way) appears to meet the requirements of the UDC code; however, there is a lack of a combination of planters (shrubs and rock mulch) within both of the buffers (refer to the figures below).**



An 8-foot wide parkway with Class II trees is required along all local streets per UDC [Table 11-2D-6](#), landscaped per the standards listed in UDC [11-3B-7C](#).

All common open space areas are required to be landscaped with one deciduous shade tree for every 5,000 square feet of area and include a variety of trees, shrubs, lawn or other vegetative groundcover per UDC [11-3G-5B.3](#). **The landscape plan appears to comply with this requirement.**

There are several existing trees on the south side of this this site that will be removed with development. An existing tree inventory and mitigation plan is not included in Section VIII.H. **Mitigation is required to be provided per the standards listed in UDC [11-3B-10C.5](#); calculations demonstrating compliance should be included on the landscape plan submitted with the final plat application.**

Landscaping is required along all pathways per the standards listed in UDC [11-3B-12C](#).

**Common Open Space (UDC 11-3G-3):** A minimum of 15% qualified open space is required to be provided within the single-family development per [Table 11-3G-3](#) for the R-15 zoning district. Based on 33.707-acres of land, a minimum of 5.06 acres is required to be provided that complies with the standards listed in UDC [11-3G-3B](#).

The exhibit included in Section VIII.F depicts 19.8% (or 6.68 acres) of common open space for the single-family (detached and attached dwelling units) development consisting of one (1) large common area over 5,000 square feet (s.f.) at 60,785 (s.f.), a micro-path that runs along the entire east side of the site; 8-foot wide landscaped parkways along the residential lots; and 10-foot wide pathways running along S. Black Cat Road and the new collector (vantage Point Way). **The collector street buffers do not count toward qualified open space unless they meet the enhanced buffer requirements noted in UDC [11-3G-3B.3](#), which is interpreted to mean buffer landscape materials consistent with entryway corridors listed in UDC [11-3B-7C.3f](#). Additionally, per UDC [11-3G-3B.3](#), one hundred (100) percent of the landscape buffer along collector streets and fifty (50) percent of the landscape buffer along arterial streets that meet the enhanced buffer requirements that follow may count toward the required common open space.**

**In order to qualify, common areas should be landscaped per the updated standards listed in UDC [11-3G-4B.3](#); parkways and street buffers should be landscaped per the standards listed in UDC [11-3A-17E](#) and [11-3B-7C](#) [collector buffers must meet the enhanced buffer requirements (i.e. entryway corridor standards) in order to qualify]; stormwater swales that are incorporated into required landscaped areas should comply with the standards listed in UDC [11-3B-11C](#); and linear open space should be landscaped per the requirements in UDC 11-3B.**

**Site Amenities (UDC [11-3G-4](#)):** A minimum of seven (7) points of site amenities are required based on the area of the single-family residential development. Qualified amenities should include features listed in UDC [Table 11-3G-4](#). A 5,000+ s.f. children's playground with a play structure, swings, climbing rocks, a climbing dome, seating benches, within a safe fenced area, two pickle ball courts, a pool house with changing facilities and restrooms, and a fenced dog park (15 points) is proposed which meets the minimum standard. The provision of public art, as recommended, will also qualify as an amenity (1 point). **The 10-foot wide regional pathways along Black Cat Road and Vanguard Way consist of approximately 2,500 linear feet. Additionally, the 5-foot micro-pathway running north and south on the east side of the property spans approximately 1,000 linear feet. Combined, the proposed pathways total (4 points).** Required sidewalks adjacent to public right-of-way do not qualify. **Overall, the proposed amenities exceed the minimum standards.**

**Pathways:** The Pathways Master Plan depicts multi-use pathways on this site along S. Black Cat Road and Vantage Point Way. The pathways shall be constructed in accordance with UDC 11-3A-8 and 11-3B-12. **A 14-foot wide public use easement for all multi-use pathways shall be submitted to the Planning Division prior to submittal for City Engineer's signature on the final plat(s).**

**Sidewalks ([11-3A-17](#)):** A 5-foot wide detached sidewalks are required along local streets within the development along with 8-foot parkways consistent with ACHD and the TMISAP. **The plans appear to comply with this requirement. Additionally, the common driveway located at the southwest corner of the development should incorporate a sidewalk adjacent to the 5-foot landscape buffer connecting to the 10-foot wide pathway along S. Black Cat Road to enhance walkability within the neighborhood.**

**Fencing ([11-3A-7](#)):** Fencing should comply with the standards listed in UDC 11-3A-7. Six-foot tall solid vinyl fencing is proposed around the west, north, east, and south perimeter boundaries of the subdivision and on shared lot lines between building and common lots that are visible from the public street, as shown on the landscape plan. A 5' tall open vision iron fence is proposed around the children's playground area, pool, and dog park. A black chain link fence is proposed around the pickleball courts as shown on the picture in the narrative. **All proposed fencing on the landscape plan appears to comply with the UDC.**

**Lighting (UDC [11-3A-11](#)):** All proposed lighting shall meet the standards set forth in this title.

**Waterways:** The Marvin Lateral courses along the north and east boundaries of this site. Nampa Meridian Irrigations District's easement for the Marvin Lateral at this location is a minimum of thirty-

five feet (35') total, ten feet (10') left and twenty-five feet (25') right facing downs stream. The Applicant is working with the irrigation district to obtain a license agreement. **Per UDC 11-3A-6, the irrigation lateral intersecting, crossing or lying within the area being developed, shall be piped, or otherwise covered.**

**Utilities (UDC 11-3A-21):** Connection to City water and sewer services is required in accord with UDC 11-3A-21. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances.

**Pressurized Irrigation System (UDC 11-3A-15):** Underground pressurized irrigation water is required to be provided to each lot within the subdivision as set forth in UDC 11-3A-15.

**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 shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18. A [\*geotechnical report\*](#) was submitted with this subdivision.

**Building Elevations:** Conceptual building elevations were submitted for the proposed structures within the development as shown in Section VIII.J. Six (6) elevations were submitted for the 1-story and 2-story attached and detached dwelling units. Building materials consist of mix of board & batten siding, horizontal lap siding with fiber cement panel accents, limited shake, and some stone. An elevation was not submitted for the pool changing rooms/bathrooms.

**The proposed elevations are *not* approved and should be revised to incorporate traditional neighborhood design elements as set forth in the TMISAP, as noted above in Section V, and in the Architectural Standards Manual (ASM).**

**Certificate of Zoning Compliance Review:** A CZC application(s) is required to be submitted for the for the pool changing rooms/bathrooms building within the development.

**Design Review:** A design review application(s) is required to be submitted for all single-family attached structures within the development. **Final design of all structures should comply with the standards for single-family residential design listed in the Architectural Standards Manual (ASM) and the traditional neighborhood design guidelines in the Ten Mile Interchange Specific Area Plan (TMISAP) for the MHDR FLUM designation (see the Application of Design Elements table on pg. 3-49).**

## VII. DECISION

### A. Staff:

Staff recommends denial of the proposed annexation and preliminary plat as the proposed project does not align the purpose and intent of the TMISAP, as outlined in the analysis in Section V in accordance with the Findings in Section X.

### B. The Meridian Planning & Zoning Commission heard these items on February 1, 2024. At the public hearing, the Commission moved to recommend denial of the subject Annexation and Preliminary Plat requests.

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

- a. In favor: Hethe Clark
  - b. In opposition: None
  - c. Commenting: None
  - d. Written testimony: None
  - e. Staff presenting application: Stacy Hersh, Associate Planner
  - f. Other Staff commenting on application: Bill Parsons, Planning Supervisor
- #### 2. Key issue(s) of public testimony:
- a. None

3. Key issue(s) of discussion by Commission:
  - a. Meeting the target density for the project.
  - b. Does the Annexation request before the City fit the vision of the community and what the City is trying to accomplish?
  - c. The spirit of the TMISAP is to provide something different, not the same characteristics as you find everywhere else in the City.
  - b. The project lacks the design elements required within the TMISAP.
4. Commission change(s) to Staff recommendation:
  - a. None
5. Outstanding issue(s) for City Council:
  - a. None

C. The Meridian City Council heard these items on March 12, 2024. At the public hearing, the Council moved to approve the subject Annexation and Preliminary Plat requests.

1. Summary of the City Council public hearing:
  - a. In favor: Hethe Clark, Representative for Applicant
  - b. In opposition: None
  - c. Commenting: Hethe Clark, Representative for Applicant; Laurie Billaud; Christy Inselman, ACHD
  - d. Written testimony: None
  - e. Staff presenting application: Stacy Hersh, Associate Planner
  - f. Other Staff commenting on application: Bill Parsons, Planning Supervisor
2. Key issue(s) of public testimony:
  - a. Growth and expansion of Meridian
3. Key issue(s) of discussion by City Council:
  - a. The application is not required to satisfy every goal outlined in the TMISAP, but it must meet the overall intent and vision of the TMISAP.
  - b. The density proposed by the Applicant for this project appears appropriate, especially considering the multi-family development proposed directly to the east, which consists of over 500 units.
  - c. The mix of housing units proposed by the Applicant is well-suited to this area and offers usable backyard space desired by home buyers.
  - d. Is this the right project at the right place and at the right time for this area in Meridian?
  - e. Density was intentionally planned in the TMISAP near employment centers and transportation.
4. City Council change(s) to Commission recommendation:
  - a. Council has moved to approve the application subject to the Conditions of Approval and Findings, which will be presented for formal approval on April 2, 2024.

**VIII. EXHIBITS**

**A. Annexation Legal Description and Exhibit Map**



**Sawtooth Land Surveying, LLC**

P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617

**Avani Annexation Description**

**BASIS OF BEARING** for this description is N. 0°43'00" E., between a brass cap marking the 1/4 corner common to Sections 15 and 16 and an aluminum cap marking the northwest corner of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho.

A parcel of land located in the SW1/4 of the NW1/4 of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho, more particularly described as follows:

**BEGINNING** at an aluminum cap marking the 1/4 corner common to Sections 15 and 16;

Thence N. 0°43'00" E., coincident with the west line of said SW1/4 of the NW1/4 and the centerline of S. BlackCat Road, 1319.36 feet;

Thence leaving said west line and said centerline, S. 75°42'00" E., 1359.87 feet to the east line of said SW1/4 of the NW1/4;

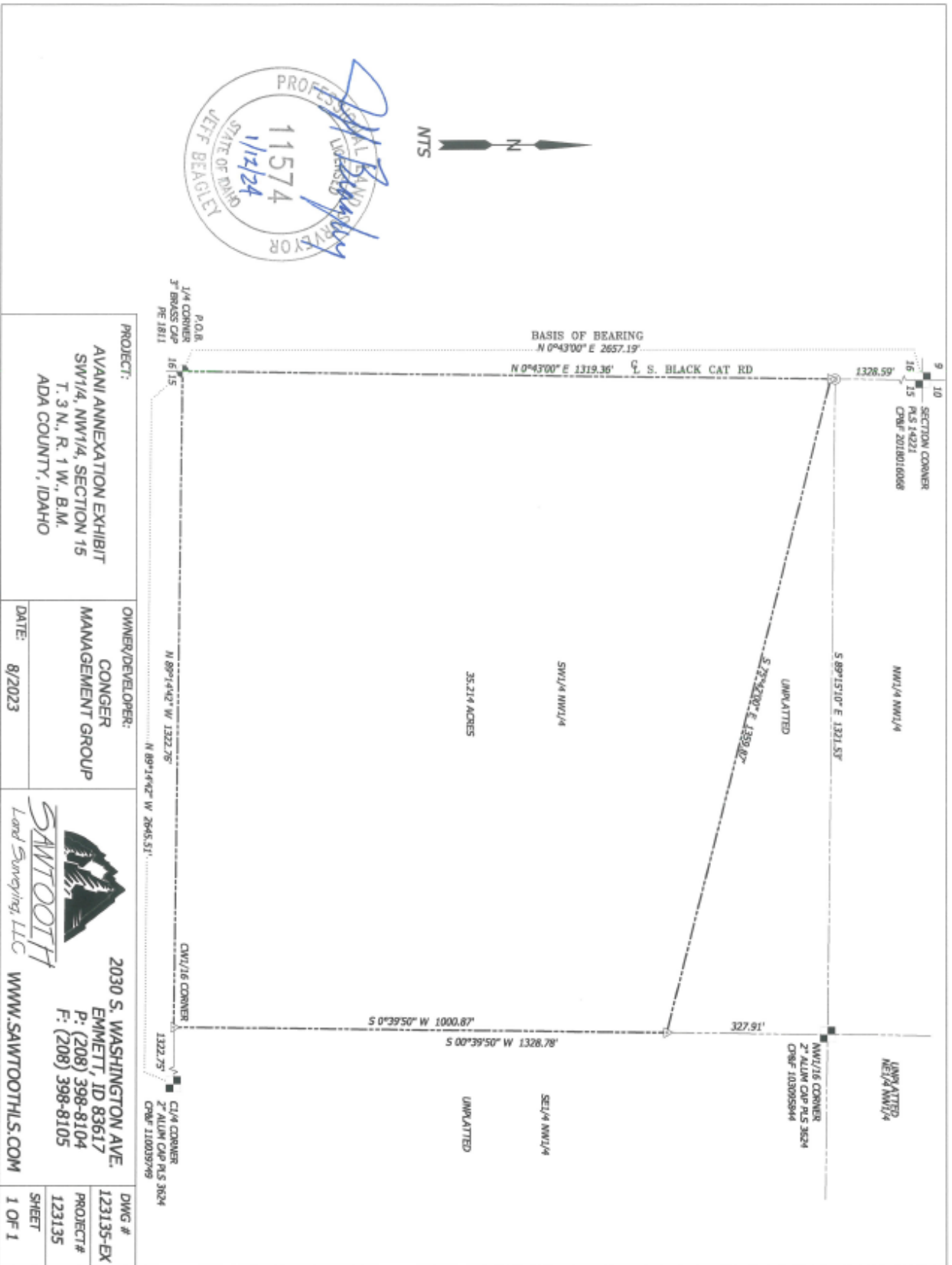
Thence S. 0°39'50" W., coincident with said east line, 1000.87 feet to the SE corner of said SW1/4 of the NW1/4 (CW1/16 corner);

Thence N. 89°14'42" W., coincident with said south line, 1322.76 feet to the **POINT OF BEGINNING**.

The above described parcel contains 35.214 acres more or less.







PROJECT:  
AVANI ANNEXATION EXHIBIT  
SW1/4, NW1/4, SECTION 15  
T. 3 N., R. 1 W., B.M.  
ADA COUNTY, IDAHO

OWNER/DEVELOPER:  
CONGER  
MANAGEMENT GROUP  
DATE: 8/2023

2030 S. WASHINGTON AVE.  
EMMETT, ID 83617  
P: (208) 398-8104  
F: (208) 398-8105  
WWW.SAWTOOTHLLC.COM

DWG #  
123135-EX  
PROJECT #  
123135  
SHEET  
1 OF 1

**B. Preliminary Plat Legal Description and Exhibit Map**



**Sawtooth Land Surveying, LLC**

P: (208) 398-8104 F: (208) 398-8105  
2030 S. Washington Ave., Emmett, ID 83617

**Avani Boundary Description**

**BASIS OF BEARING** for this description is N. 0°43'00" E., between a brass cap marking the 1/4 corner common to Sections 15 and 16 and an aluminum cap marking the northwest corner of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho.

A parcel of land located in the SW1/4 of the NW1/4 of Section 15, T. 3 N., R. 1 W., B.M., Ada County, Idaho, more particularly described as follows:

**COMMENCING** at an aluminum cap marking the 1/4 corner common to Sections 15 and 16;

Thence S. 89°14'42" E., coincident with the south line of said SW1/4 of the NW1/4, a distance of 50.00 feet to the **POINT OF BEGINNING**;

Thence leaving said south line, N. 0°43'00" E., parallel with the west line of said SW1/4 of the NW1/4, a distance of 1307.31 to the northerly property line of the parcel shown on Record of Survey No. 11965 of Ada County records;

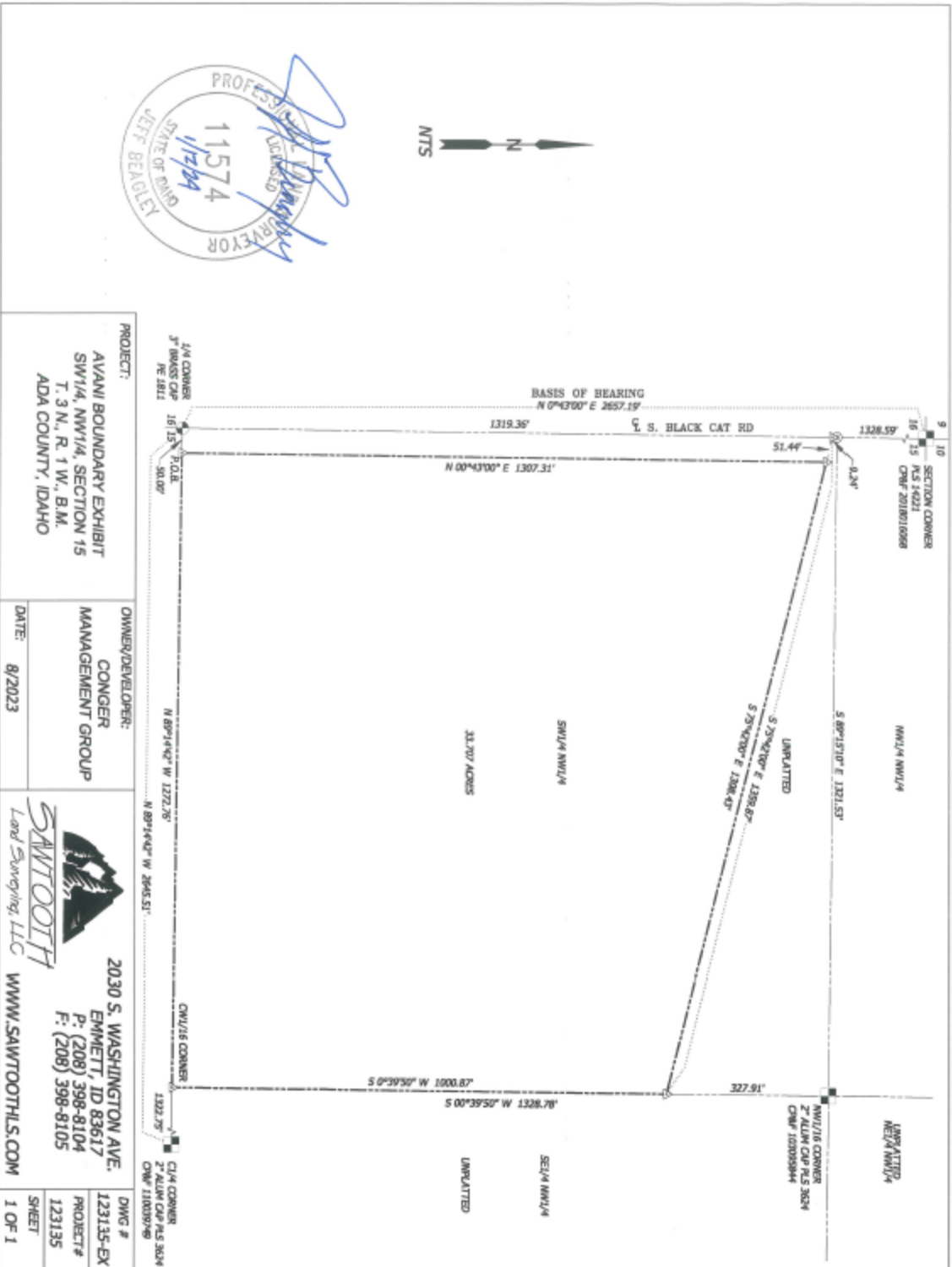
Thence S. 75°42'00" E., coincident with said northerly line, 1308.43 feet to the east line of said SW1/4 of the NW1/4;

Thence S. 0°39'50" W., coincident with said east line, 1000.87 feet to the SE corner of said SW1/4 of the NW1/4 (CW1/16 corner);

Thence N. 89°14'42" W., coincident with said south line, 1272.76 feet to the **POINT OF BEGINNING**.

The above described parcel contains 33.707 acres more or less.





**PROJECT:**  
 AVANI BOUNDARY EXHIBIT  
 SW 1/4, NW 1/4, SECTION 15  
 T. 3 N., R. 1 W., B.M.  
 ADA COUNTY, IDAHO

**OWNER/DEVELOPER:**  
 CONGER  
 MANAGEMENT GROUP

**DATE:**  
 8/2023

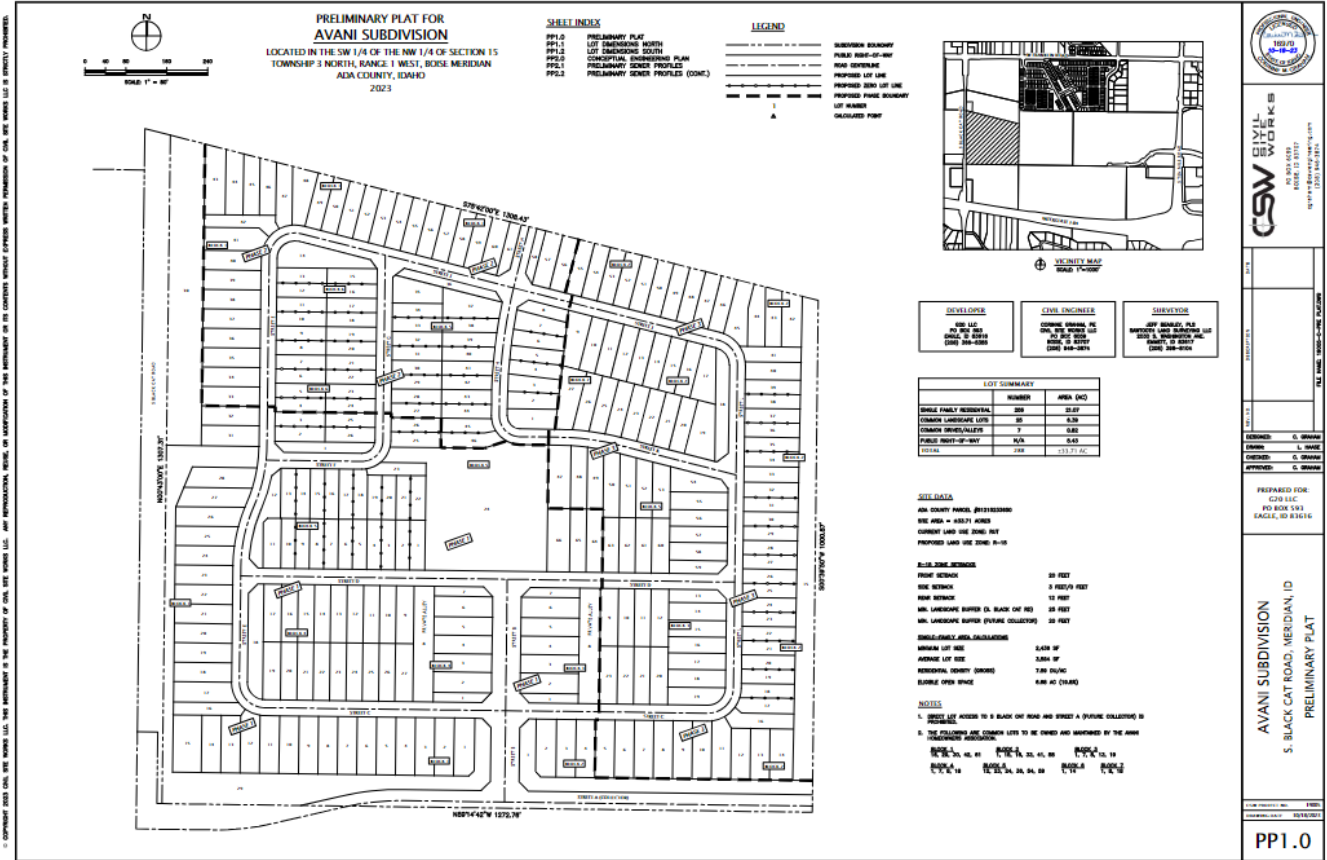
**2030 S. WASHINGTON AVE.**  
 EMMETT, ID 83617  
 P: (208) 398-8104  
 F: (208) 398-8105  
 WWW.SAWTOOTHLS.COM

**DWG #**  
 123135-EX

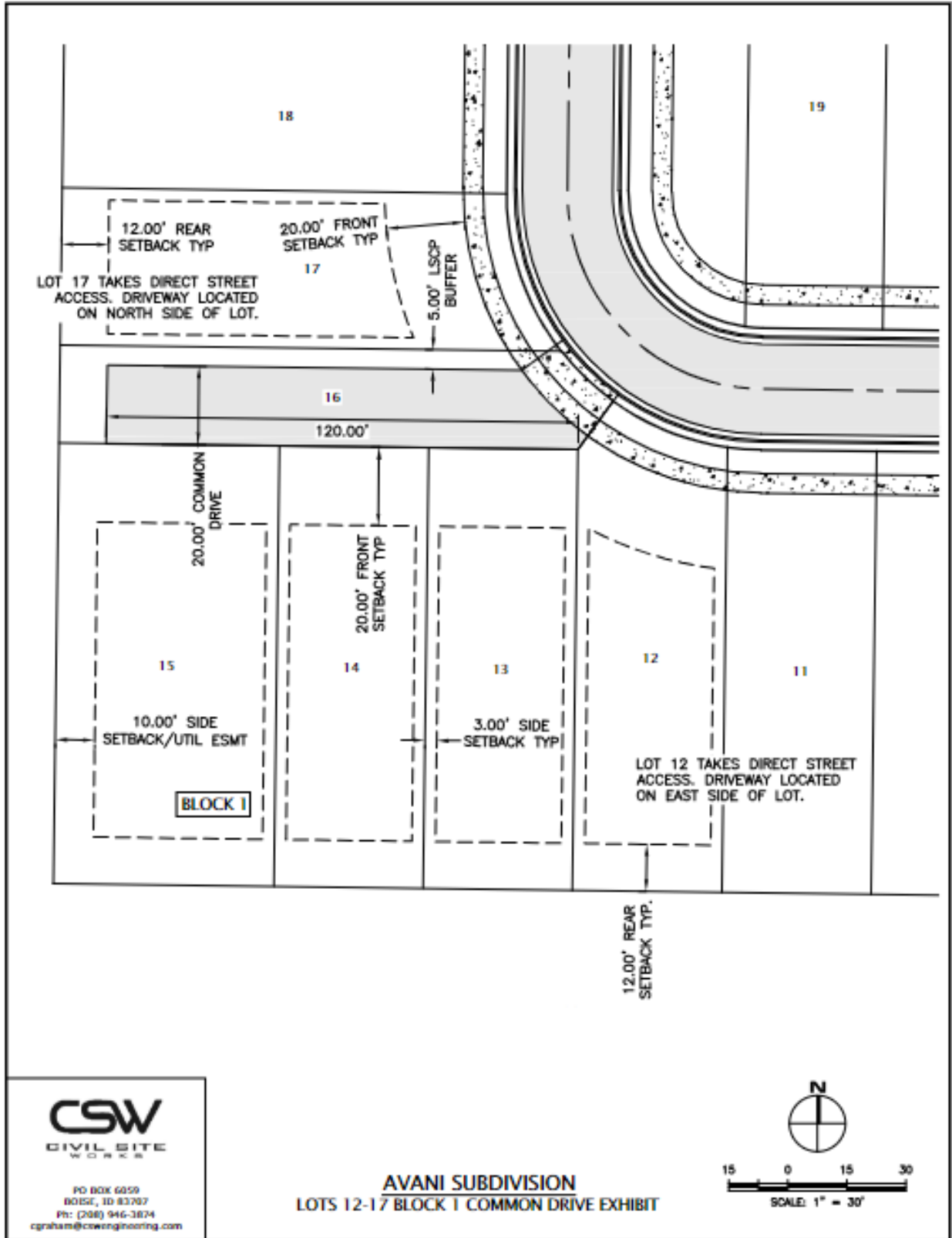
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 123135

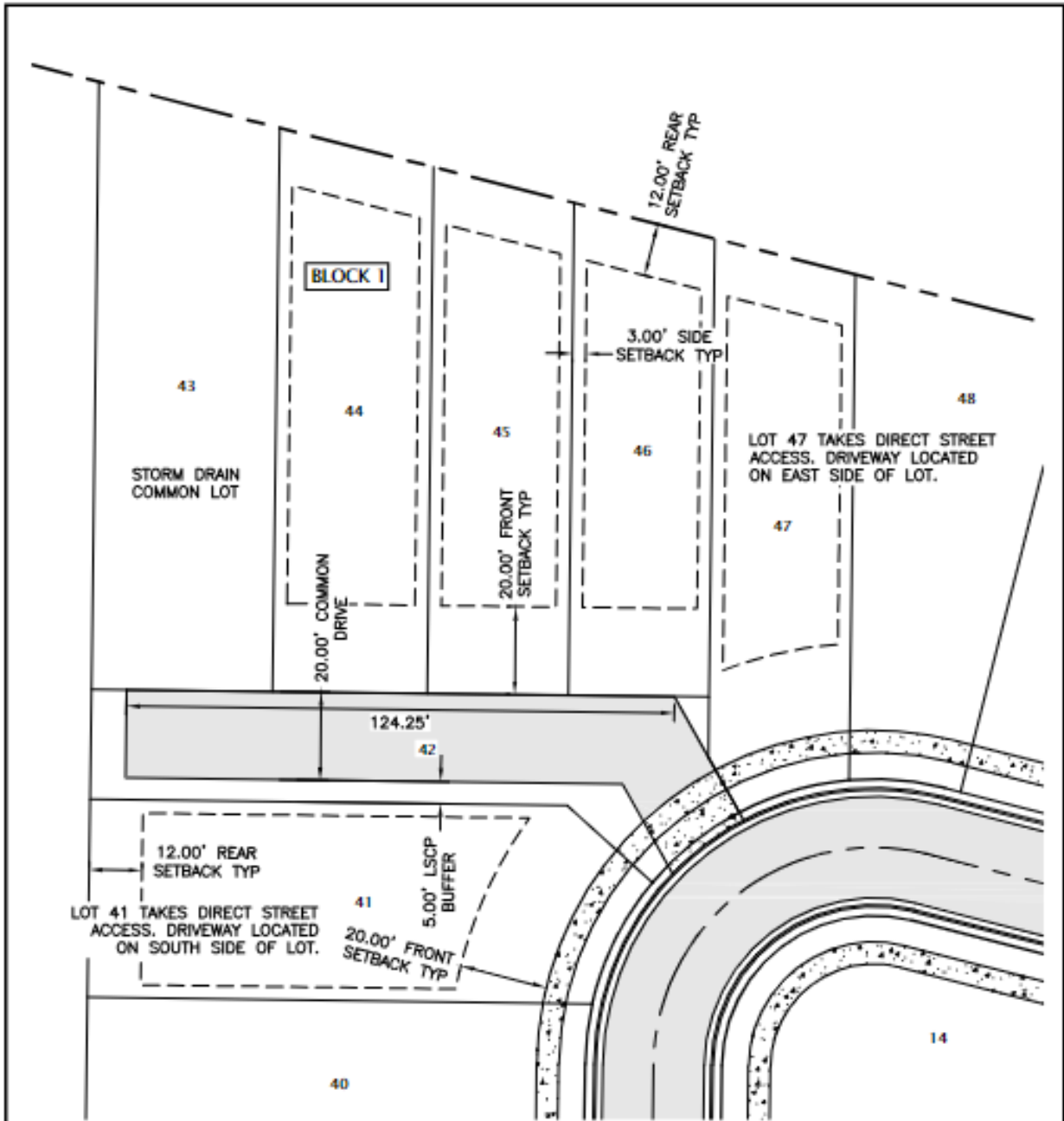
**SHEET**  
 1 OF 1

# C. Preliminary Plat (dated: 10/18/23) —NOT APPROVED



D. Common Drive Exhibit —*NOT APPROVED*

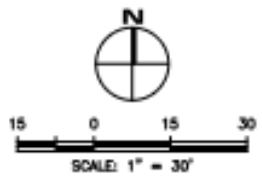


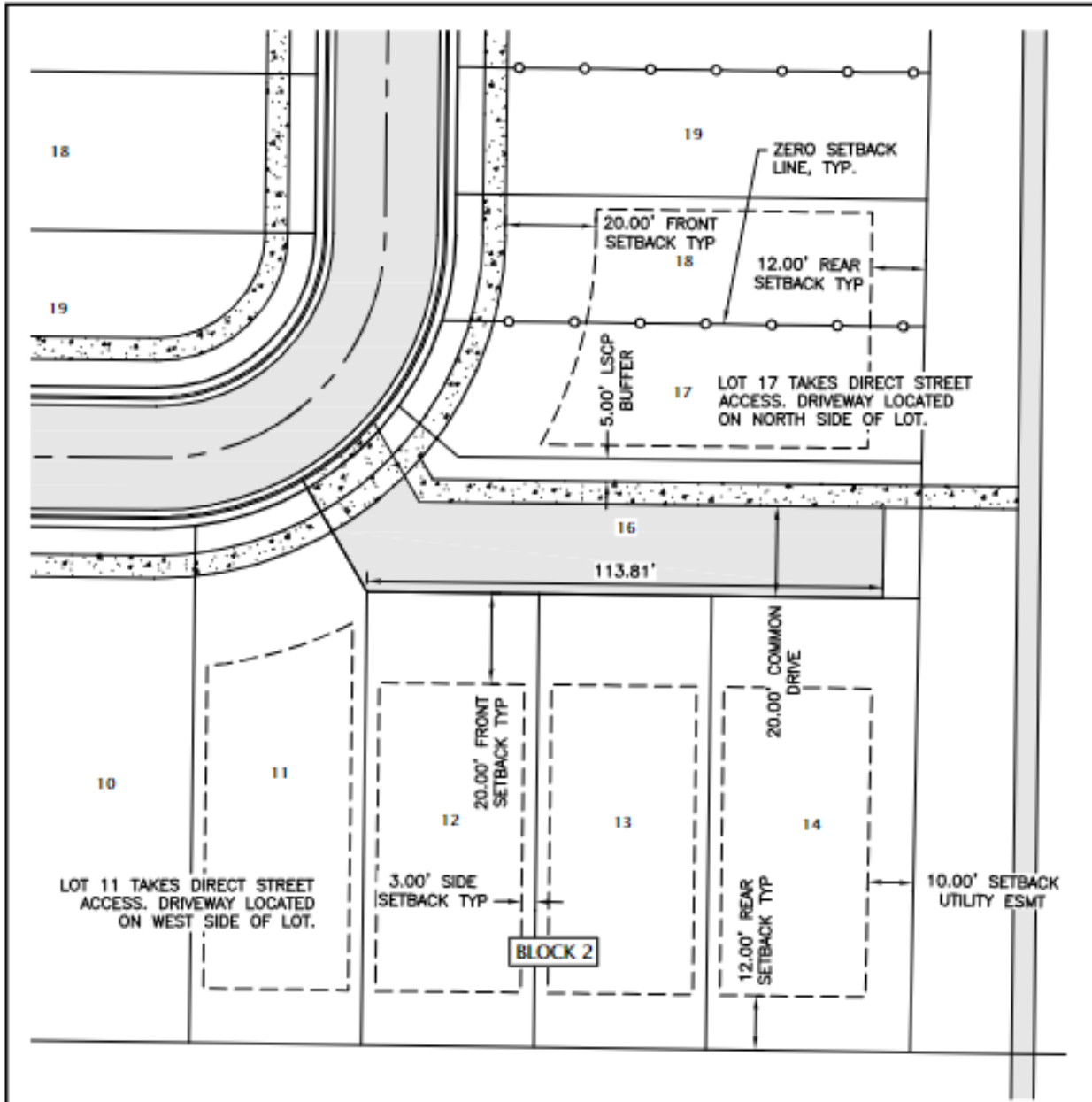


**CSW**  
 CIVIL SITE  
 WORKS

PO BOX 6059  
 BOISE, ID 83707  
 Ph: (208) 946-3874  
 cgraham@csengineering.com

**AVANI SUBDIVISION**  
**LOT 41-47 BLOCK 1 COMMON DRIVE EXHIBIT**

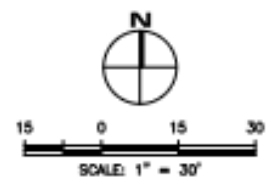


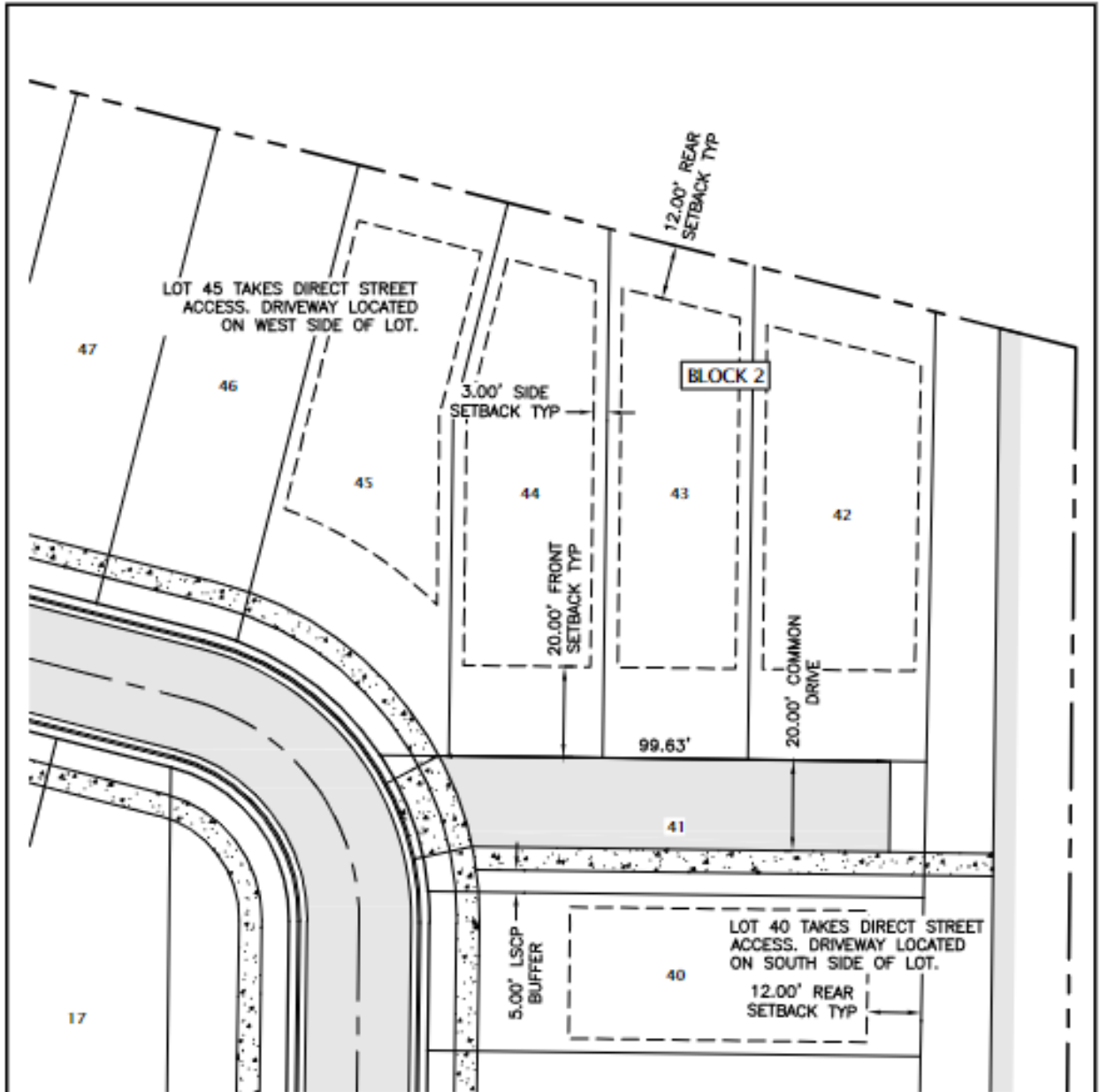


**CSW**  
 CIVIL SITE  
 WORKS

PO BOX 6059  
 BOISE, ID 83707  
 Ph: (208) 946-3874  
 cgraham@csweengineering.com

**AVANI SUBDIVISION**  
 LOTS 11-17 BLOCK 2 COMMON DRIVE EXHIBIT

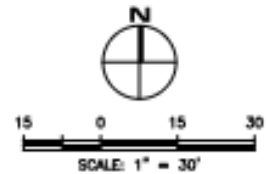




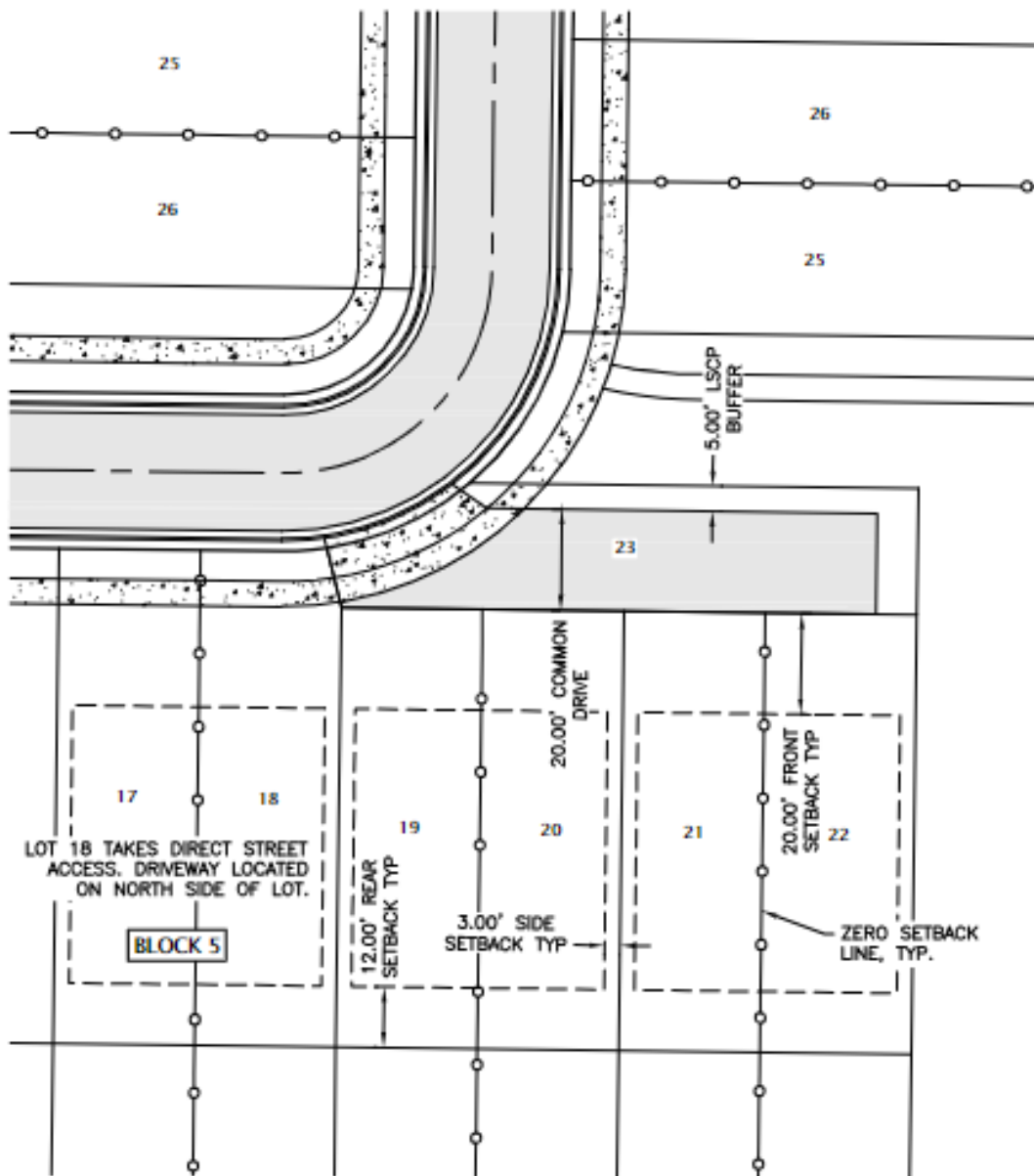
**CSW**  
CIVIL SITE  
WORKS

PO BOX 6059  
BOISE, ID 83707  
Ph: (208) 946-3824  
cgraham@csweenginc.com

**AVANI SUBDIVISION**  
**LOT 40-45 BLOCK 2 COMMON DRIVE EXHIBIT**



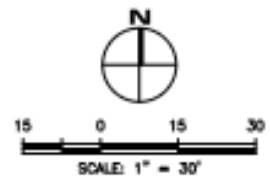




**CSW**  
 CIVIL SITE  
 WORKS

PO BOX 6059  
 BOISE, ID 83707  
 Ph: (208) 946-3874  
 cgraham@cswwengineering.com

**AVANI SUBDIVISION**  
**LOTS 17-23 BLOCK 5 COMMON DRIVE EXHIBIT**



E. Landscape Plan – Preliminary Plat (dated: 10/19/2023) —NOT APPROVED



**AVANI SUBDIVISION**  
PRELIMINARY PLAT LANDSCAPE PLAN  
MERIDIAN, ID

CIVIL ENGINEER  
DORRIS GAMMA, P.E.  
DORRIS GAMMA & ASSOCIATES, INC.  
100 W. 20th S.  
BOISE, IDAHO 83721  
(208) 344-1874

DEVELOPER  
JACQUELYNNE LEE  
100 W. 20th S.  
BOISE, IDAHO 83721  
(208) 344-1874



## F. Common Open Space Exhibit & Calculations



# AVANI PLACE

## Qualified Open Space Calculations

Project: Avani Neighborhood

Date: 10.19.2023

Block	Lot	Sqft Open Space	Dimensions	Description	Code Section
1	29	61,515		Arterial/Collector Frontage	C,D
1	30	40,674		Arterial/Collector Frontage	C,D
1	61	2,664		End Cap	E
2	1	21,107		Collector Frontage	C
2	15	33,213		Linear Park and Pathway	A,B
2	33	3,276		Pathway	B
2	58	2,114		End Cap	E
3	1	2,350		End Cap	E
3	7	2,350		End Cap	E
3	13	3,077		End Cap	E
3	19	3,912		End Cap	E
4	1	2,350		End Cap	E
4	7	2,350		End Cap	E
4	18	7,021		End Cap	E
5	12	5,251		End Cap	B
5	24	61,500		Main Park	A
5	36	4,128		End Cap	E
5	54	4,258		End Cap	E
5	59	3,112		End Cap	E
6	1	4,407		End Cap	E
6	14	7,566		End Cap	E
7	1	3,878		End Cap	E
7	8	2,609		End Cap	E
7	18	6,120		End Cap	E
Subtotals			Acres	Percent of Total	
Total Sqft		<b>291,415</b>	6.68996786		
Qualified Open Space Ac.		<b>6.69</b>			
Total Project Acres		<b>33.71</b>			
Non-Qualifying Open Space		<b>1.04</b>			
Percent of Qualified Open Space		<b>19.85%</b>			

# AVANI PLACE

Arterial and Collector Frontage	123,296	2.83	42.31%
Buffers & Endcaps	69,517	1.60	23.85%
Hillside	0	0.00	0.00%
"Useable"	97,989	2.25	33.63%
	582,217		

Page 1

	Code Section	Description
A	11 3G 3A 2B	Open grassy area of at least 5,000' in area.
B	11 3G 3B 1E	Linear open space area that is at least twenty feet (20') and up to fifty feet (50'), has an access at each end, and is improved and landscaped as set forth in subsection E of this section.
C	11 3G 3B 3	Full Area of Buffer: The full area of the landscape buffer along collector streets may count toward the required common open space.
D	11 3G 3B 3	Percentage of Buffer: Fifty percent (50%) of the landscape buffer along arterial streets may count toward the required common open space.
E	11 3G 3B 4	Parkways Along Collector and Local Residential Streets: Parkways along local residential streets that meet all the following standards may count toward the common open space requirement:

## G. Site Amenities

### Proposed Amenities:

- **Large Central Park** - The one and a half-acre park will contain the following recreation facilities:
  - Community Pool and Changing Rooms
  - Fenced Play Structure
  - Swing Set
  - Seating Benches
  - Climbing Dome
  - Climbing Rocks
  - Attractive Landscaping
  - Fenced Dog Park
  - 2 Pickle Ball Sports Courts



- **Pathways** – The Avani Neighborhood will include the following pedestrian pathways:
  - 5' Wide Pedestrian Pathway on the east side of the project running North and South for approximately 1,000 L.F.
  - 10' Regional Pathways will be constructed along Black Cat Road and Vantage Point Way for approximately 2,500 L.F.

Pedestrian pathways within the Avani Place Neighborhood will total over one half mile in length.



## H. Pedestrian Connectivity Exhibit



## I. Parking Exhibit

### PARKING

The Avani Neighborhood will have an additional 150 on-street parking spaces above the 4 per home off-street parking requirement. That will equal over half of an additional parking space per lot.





J. Conceptual Building Elevations

# STREET SCENE ALLEY



## Single-Family Attached



# AVANI PLACE



**Single-Family Detached**



AVANI PLACE



Troon



# AVANI PLACE



## STREET SCENE

TWO-STORY HOMES

MESA

SEDONA

BILTMORE



**NOTE:**  
ALL TREES ARE "CENTERED" ON PROPERTY LINES.  
HOUSES ARE SHOWN ACCURATELY FOR PROPERTY  
BOUNDARIES & SETBACKS.

# STREET SCENE

SINGLE-STORY HOMES

## BISBEE

## TROON



**NOTE:**  
ALL TREES ARE "CENTERED" ON PROPERTY LINES.  
HOUSES ARE SHOWN ACCURATELY FOR PROPERTY  
BOUNDARIES & SETBACKS.

**FRONT ELEVATION**  
SCALE: 1/8" = 1'-0"

**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"

**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"

**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"

KEYNOTES	
1	CONCRETE ON JOB
2	PAVING ON JOB
3	POPPING IN JOB
4	BLINDS TO BE INSTALLED
5	SHOWER CURTAIN
6	Mark

**CEDAR CREEK**  
ARCHITECTURAL DESIGN  
1000 S. 1000 E. SUITE 100  
TAMPA, FL 33610  
TEL: 813.888.8888

POOL HOUSE  
COURTESY ELEVATION SHED

**IX. CITY/AGENCY COMMENTS & CONDITIONS (During the March 12, 2024 hearing, City Council directed Staff to prepare the conditions of approval for the scheduled hearing on April 2, 2024.)**

**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. Future development of this site shall be consistent with the preliminary plat, phasing plan, landscape plan, qualified open space, and qualified site amenities (i.e. A 5,000+ s.f. children's playground with a play structure, swings, climbing rocks, a climbing dome, seating benches, within a safe fenced area, two pickleball courts, a pool with changing facility and restrooms, and a fenced dog park), and conceptual building elevations included in Section VIII as proposed and the provisions contained herein.
- b. The Applicant may deed the Vanguard Way right-of-way to ACHD prior to the submittal of the first phase of a final plat.
- c. A Design Review application shall be submitted and approved for the proposed single-family attached homes prior to submittal of a building permit application. The Applicant shall comply with the design standards listed in the *Architectural Standards Manual* and the Development Agreement. The single-family attached and detached structures are not required to incorporate porches along 30% of the front facades, with the exception of the ten (10) alley-loaded homes. Additionally, front-loaded 2-car garages are not required to be 20 feet behind the primary façade or designed with two (2) separate garage doors.
- d. The rear and/or side of structures on lots that face S. Black Cat Road. (i.e. **Lots 17-43, Block 1**) and the new collector Road (Vanguard Way) (i.e. **Lots 1-15, Block 1 and 2-14, Block 2**) shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement. Requires Planning Approval prior to issuance of building permits.*
2. The final plat shall include the following revisions:
- a. Include a note prohibiting direct access via S. Black Cat Road and Vanguard Way.
- b. Depict street sections for Vanguard Way consistent with Street Section C in the TMISAP with a modification that allows (3) 11-foot travel lanes, 8-foot parkways and detached 10-foot wide sidewalks/pathways in lieu of on-street bike lanes as required by ACHD. Streetlights are required at a pedestrian scale, unless another alternative is approved (see pg. 3-20, 3-22, 3-23).
- c. Depict a maximum of three (3) dwelling units on one (1) side of the common driveway on Lot 23, Block 5 in accordance with UDC *11-6C-3D.1*; or, alternative compliance may be requested as set forth in UDC *11-5B-5*.

- d. Incorporate a sidewalk adjacent to the 5-foot landscape buffer on Lot 16, Block 1 of the development connecting to the 10-foot wide pathway along S. Black Cat Road to enhance walkability within the neighborhood.
        - e. Depict a 25-foot landscape buffer along Black Cat Road in accordance with UDC Table 11-2A-7.
3. The landscape plan submitted with the final plat shall include the following revisions:
  - a. Revise the landscape plan consistent with the changes to the final plat listed above.
  - b. Include mitigation calculations on the plan for existing trees that are proposed to be removed in accordance with the standards listed in UDC [11-3B-10C.5](#) and the exhibit in Section VIII.E.
  - c. Depict a 25-foot wide landscape buffer and landscaping within the 25-foot wide street buffer along Black Cat Road in accordance with the *updated* standards listed in UDC [11-3B-7C](#).
  - d. Depict shrubs in common open space areas in accord with UDC [11-3G-5B.3](#).
4. The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC [Table 11-2A-7](#) for the R-15 zoning district.
5. The common driveway shall be designed and constructed per the standards listed in UDC [11-6C-3D](#). **Revise the common driveway exhibit in Section VIII.C to reflect a maximum of three (3) dwelling units on one (1) side of the driveway as set forth in UDC 11-6C-3D.1; or, alternative compliance may be requested as set forth in UDC [11-5B-5](#).**
6. A perpetual ingress/egress easement shall be filed with the Ada County Recorder for the common driveway, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. This may be accomplished through depiction of the easement on the face of the final plat and an accompanying note. If a separate easement is recorded, a copy shall be submitted to the Planning Division with the final plat for City Engineer signature.
7. The alley shall be designed and constructed per the standards listed in UDC [11-6C-3B.5](#). A detail of the alley shall be submitted with the final plat that demonstrates complies with these standards.
8. A 14-foot wide public use easement for all multi-use pathways shall be submitted to the Planning Division prior to submittal for City Engineer's signature on the final plat(s).
9. The irrigation lateral intersecting, crossing or lying within the area being developed, shall be piped, or otherwise covered in accordance with UDC 11-3A-6.
10. A Certificate of Zoning Compliance and a Design Review application shall be submitted to construct the pool and changing facility; parking shall be provided in accordance with the standards in UDC 11-3C-6 or apply for Alternative Compliance in accordance with UDC 11-5B-5.
11. The applicant and/or assigns shall have the continuing obligation to provide irrigation that meets the standards as set forth in UDC 11-3B-6 and to install and maintain all landscaping as set forth in UDC 11-3B-5, UDC 11-3B-13 and UDC 11-3B-14.
12. The Applicant shall comply with all ACHD conditions of approval.
13. Staff's failure to cite all relevant code sections or conditions does not relieve the Applicant of responsibility for compliance.
14. Approval of a preliminary 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. Upon written request and filing by the applicant prior to the termination of the period in accord with subsections (A) and (B) of UDC 11-6B-7, 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 this title.

**B. PUBLIC WORKS**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313340&dbid=0&repo=MeridianCity&cr=1>

**C. FIRE DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313343&dbid=0&repo=MeridianCity>

**D. ADA COUNTY DEVELOPMENT SERVICES**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315460&dbid=0&repo=MeridianCity>

**E. POLICE DEPARTMENT**

*No comments were submitted.*

**F. PARK'S DEPARTMENT**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313341&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=315577&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313402&dbid=0&repo=MeridianCity>

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

*No comments were submitted.*

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=317398&dbid=0&repo=MeridianCity>

**K. SCHOOL IMPACT TABLE (COMMUNITY DEVELOPMENT)**

*No comments were submitted.*

**L. DEPARTMENT OF ENVIRONMENT QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=314802&dbid=0&repo=MeridianCity>

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=322170&dbid=0&repo=MeridianCity>



**X. FINDINGS (THIS SECTION OF THE STAFF REPORT HAS BEEN REVISED TO COMPORT WITH CITY COUNCIL'S ACTION ON 3/12/24).**

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

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;  
*Council finds the Applicant's request to annex the subject property with R-15 zoning and develop a mix of single-family attached and detached dwellings meets the "general intent" of the comprehensive plan (including the TMISAP) and the requirements outlined in the UDC Code.*
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;  
*Council finds the map amendment complies with the R-15 district regulations.*
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;  
*Council finds the proposed map amendment will not be detrimental to the public health, safety and welfare.*
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and  
*Council finds City services are available to be provided to this development.*
5. The annexation (as applicable) is in the best interest of city.  
*Council finds annexation is in the best interest of the City because the proposed development provides a mix of housing options.*

**B. Preliminary Plat (UDC 11-6B-6)**

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)  
*Council finds the proposed plat is generally in conformance with the comprehensive plan (including the TMISAP) and consistent with the UDC.*
2. Public services are available or can be made available and are adequate to accommodate the proposed development;  
*Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.*

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

*Council finds the plat is in conformance with scheduled public improvements for this area in accord with the City's CIP.*

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

*Council finds there is public financial capability of supporting services for the proposed development.*

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

*Council finds the proposed map amendment would not be detrimental to the public health, safety and welfare.*

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

*Council is unaware of any significant natural, scenic or historic features that need to be preserved with this development.*