

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



**In the Matter of the Request for Annexation and Development Agreement Modification, by  
Sawtooth Development.**

**Case No(s). H-2024-0047**

**For the City Council Hearing Date of: December 3<sup>rd</sup>, 2024 (Findings on December 17<sup>th</sup>, 2024)**

**A. Findings of Fact**

1. Hearing Facts (see attached Staff Report for the hearing date of December 3<sup>rd</sup>, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 3<sup>rd</sup>, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 3<sup>rd</sup>, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 17<sup>th</sup>, 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 December 3<sup>rd</sup>, 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 a Development Agreement Modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of December 3<sup>rd</sup>, 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 Conditional Use Permit Duration

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

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian

City Code Title 11(UDC 11-5B-6F).

#### Notice of Development Agreement Duration

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

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

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

#### E. Judicial Review

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

#### F. Notice of Right to Regulatory Takings Analysis

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

#### G. Attached: Staff Report for the hearing date of December 3<sup>rd</sup>, 2024.

By action of the City Council at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

COUNCIL PRESIDENT LUKE CAVENER VOTED \_\_\_\_\_

COUNCIL VICE PRESIDENT LIZ STRADER VOTED \_\_\_\_\_

COUNCIL MEMBER DOUG TAYLOR VOTED \_\_\_\_\_

COUNCIL MEMBER JOHN OVERTON VOTED \_\_\_\_\_

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED \_\_\_\_\_

COUNCIL MEMBER BRIAN WHITLOCK VOTED \_\_\_\_\_

MAYOR ROBERT SIMISON VOTED \_\_\_\_\_  
(TIE BREAKER)

\_\_\_\_\_  
Mayor Robert E. Simison

Attest:

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

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

By: \_\_\_\_\_ Dated: \_\_\_\_\_  
City Clerk's Office

**COMMUNITY DEVELOPMENT  
DEPARTMENT REPORT**

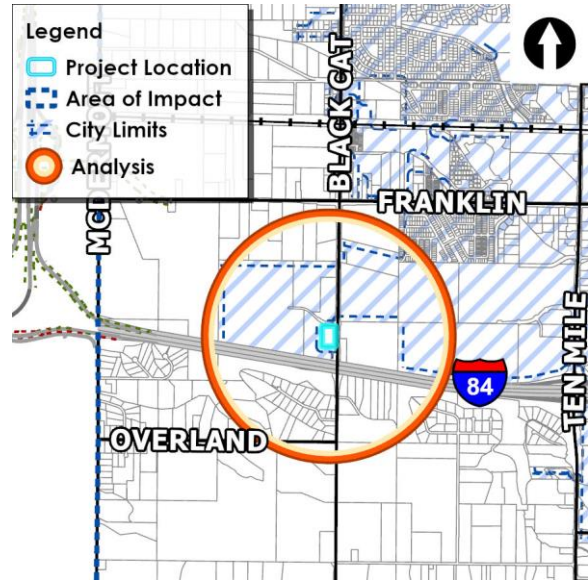


HEARING 11/7/2024  
DATE:  
TO: Planning & Zoning Commission  
FROM: Nick Napoli, Associate Planner  
208-884-5533  
nnapoli@meridiancity.org

APPLICANT: Brandon Swanson

SUBJECT: H-2024-0047  
Black Cat East

LOCATION: Located at 935 S. Black Cat Road in the  
NE ¼ of the SE ¼ of Section 16, T.3N.,  
R.1W.



**I. PROJECT OVERVIEW**

**A. Summary**

Annexation of 3.62 acres of land with the I-L zoning district to construct an approximately 74,365 square foot industrial building. This application also includes a modification to the development agreement to include this property in the development agreement for Black Cat Industrial (H-2021-0064).

**B. Recommendation**

Staff: Approval

Commission Recommendation: Approval

**C. Decision**

City Council: Approved

**II. COMMUNITY METRICS**

**Table 1: Land Use**

<b>Description</b>	<b>Details</b>	<b>Map Ref.</b>
Existing Land Use(s)	Residential in Ada County	-
Proposed Land Use(s)	Industrial	-
Existing/Proposed Zoning	RUT Ada County Zoning/ I-L (Light Industrial)	V.A.2
Future Land Use Designation	Mixed Employment	V.A.3

**Table 2: Process Facts**

<b>Description</b>	<b>Details</b>
Preapplication Meeting date	7/25/2024
Neighborhood Meeting	7/18/2024
Site posting date	10/28/2024

**Table 3: Community Metrics**

<b>Agency / Element</b>	<b>Description / Issue</b>	<b>Reference</b>
Ada County Highway District		III.D
• Comments Received	Yes	-
• Commission Action Required	No	-
• Access	W. Grand Mogul Way and N. Black Cat Road (Collector and Arterial roads)	-
• Traffic Level of Service	Better than E	-
ITD Comments Received	Yes	-
Meridian Public Works Wastewater		-
• Distance to Mainline	Stubbed to site	
• Impacts or Concerns	No	
Meridian Public Works Water		-
• Distance to Mainline	Stubbed to site	
• Impacts or Concerns	No	

Note: See section IV. City/Agency Comments & Conditions or the public record at [Public Record](#) for agency comments received on this application.

### III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

#### A. General Overview

The subject property is within the *Ten Mile Interchange Specific Area Plan (TMISAP)* and designated as Mixed Employment on the Future Land Use Map (FLUM). This designation is described by the TMISAP as an area to encourage a diversity of compatible land uses that may include a mixture of office, research and specialized employment areas, **light industrial including manufacturing and assembly**, and other miscellaneous uses. Mixed Employment areas should provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises. Mixed density employment will accommodate a wide variety of employers and serve as a primary gateway to Meridian and Meridian’s prosperity.

In the Mixed Employment FLUM designation, the preferred zoning is M-E, however other zones may be appropriate when/if it is determined the requesting zone aligns with the vision of the plan and integrates with surrounding properties. The applicant is requesting to annex this property with the I-L zoning district. The reason for their request for this zone is to integrate the proposed development with the existing Black Cat Industrial development that is currently underway, which is also zoned I-L. Staff finds I-L zoning is appropriate for this property based on the development occurring in the area.

**Table 4: Project Overview**

<b>Description</b>	<b>Details</b>
History	H-2021-0064 AZ; DA Inst #2022-082504
Acreage	3.62 acres

#### B. History and Process

This property was part of the initial application for Black Cat Industrial (H-2021-0064), but it was not annexed at that time. The applicant is now seeking annexation to integrate this property into the surrounding development and align it with broader planning efforts in the area. While I-L is not the preferred zone in the Mixed-Employment designation, the City Council previously approved a request for this zone in the surrounding development. Due to this, the applicant requests the same exceptions granted by the City Council in the previous application to ensure cohesive and consistent development.

The development agreement stipulates that certain road improvements are required when specific square footage thresholds are met. Currently, the site has 559,295 square feet of industrial space under development, and this application will bring the total to over 600,000 square feet once constructed. When the total exceeds 960,000 square feet, the following improvements shall be completed prior to 1,500,000 square feet being reached per the DA and ACHD recommendations: Black Cat Road will be widened to five lanes between Grand Mogul Drive and Franklin; the intersection of Black Cat and Franklin must be upgraded; and the intersection of McDermott and Franklin will need to be improved with a two-way left turn lane unless Franklin has already been widened to five lanes.

*Note: City Council previously found that the Center met the goals of the TMISAP. The inclusion of the Property within the Center’s boundaries is a continuation of that approval and allows the Property to be developed in accord with the larger industrial business complex.*

### **C. Site Development and Use Analysis**

#### **1. Proposed Use Analysis (*UDC 11-2*):**

The applicant seeks to annex and zone the property as Light Industrial (I-L), which allows for a variety of uses. The narrative states the Black Cat Business Center would provide in-demand manufacturing, heavier office build-out, flex industrial and accessory retail, warehousing and distributing facilities in this region. Currently, the existing Development Agreement limits certain activities, specifically prohibiting “storage facility, self-service” and vehicle impound sales and repair unless conducted entirely indoors. This restriction aims to support industrial users and job creation. The property will remain subject to the same Development Agreement provisions, along with additional requirements as specified in Section III.

According to the concept plan, the predominant use appears to be warehousing and distribution, which is consistent with the surrounding area and aligns with the City Council's previous approval. Given this consistency, staff recommends that this parcel be developed in accordance with that approval to ensure an integrated approach.

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

The I-L zoning district requires a 35' street setback, 20' landscape buffer along collector streets, 25' wide buffer along arterial streets, and allows height up to 50'. The concept plan and elevations submitted appear to meet these requirements.

### **D. Design Standards Analysis**

#### **1. Landscaping (*UDC 11-3B*):**

##### **i. Landscape buffers along streets**

A 20-foot wide landscape buffer is required adjacent to collector streets (W. Grand Mogul Drive), and a 25-foot wide buffer required adjacent to arterial streets (S. Black Cat Rd). These buffers shall be landscaped per the standards in UDC 11-3B-7C. Landscaping requirements will be analyzed with the Certificate of Zoning Compliance.

##### **ii. Parking lot landscaping**

Landscaping is required to be provided along all parking areas per the standards listed in UDC 11-3B-8. The requirements include 5 ft. perimeter adjacent to streets and islands of at least 50 sq. ft. per every 12 parking spaces. These requirements will be analyzed with the Certificate of Zoning Compliance.

##### **iii. Tree preservation**

A Tree Mitigation Plan should be submitted with the Certificate of Zoning Compliance detailing all existing trees and methods of mitigation outlined by the City Arborist before any trees are to be removed as set forth in UDC 11-3B-10C.5.

##### **iv. Storm integration**

Storm drainage is required to comply with the standards listed in UDC 11-3A-18. Drainage swales should not be within the landscape setbacks along S. Black Cat Road.

##### **v. Pathway landscaping**

It appears that 5 feet of landscaping is provided on both sides of the proposed pathways. However, these requirements will be analyzed with the Certificate of Zoning Compliance.



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

i. Nonresidential parking analysis

UDC 11-3C-6 requires one space for every two thousand (2,000) sq. ft. of gross floor area in industrial districts. The applicant is proposing 69 parking spaces on the concept plan which exceeds the 37 spaces that are required with the building (74,365 square feet).

ii. Bicycle parking analysis

A minimum of one (1) bicycle parking space must be provided for every 25 vehicle spaces or portion thereof per UDC 11-3C-6G; bicycle parking facilities are required to comply with the location and design standards listed in UDC 11-3C-5C. *Bicycle parking is not depicted and the plans shall be revised to incorporate the location of the bicycle parking with the Certificate of Zoning Compliance submittal that meet these requirements. The applicant has agreed to include bicycle parking with future submittals.*

3. Building Elevations (*Comp Plan, Architectural Standards Manual*):

Goals 5.01.02C and 2.09.03A of the comprehensive plan promote area beautification and community identity through heightened design standards providing distinct and engaging identities.

In response, the developer is proposing a large one-story industrial building (with higher ceilings and upper windows to appear as two-story) comprised of tilt-up concrete, moderate to large setbacks from the street, and frontages below the required 30% fenestration requirement along public streets as mentioned in the ASM. Primary entrances are oriented inward toward the parking lots rather than toward the street (N. Black Cat Road). The applicant's narrative states that due to security and visibility concerns, lack of access to directly to Black Cat Road, and frontage parking being discouraged, the light industrial use of the buildings does not support windows across the entire frontage. As an alternative, they propose enhanced glazing at corner entry elements as shown in the renderings.

The Architectural Standards Manual requires modulation in the surface plane at intervals of no less than 50 feet. It also requires at least two pedestrian-scale architectural features and physical distinctions to anchor the building, along with a minimum of two different field materials and one accent material.

The DA mandates adherence to the TMISAP design guidelines and the ASM. Since the ASM sets a more stringent requirement of 30% fenestration compared to the 20% specified by the TMISAP, compliance with the ASM (30% fenestration) is necessary. However, the applicant may request a design standards exception during the review process to potentially reduce the fenestration to 20% in accordance with the TMISAP. Given the building's prominent location at the corner of Black Cat and I-84, the applicant shall increase the fenestration to meet the 30% requirement or apply for a design standard exception. This adjustment should be evident on the northern section of the east-facing façade, which is visible before the overpass. Additionally, staff recommends adding landscaping at the base of the east façade to create pedestrian-scale elements while helping break up the building's façade.

While staff believes the current proposal may struggle to meet all design requirements outlined in TMISAP for Mixed Employment—such as variations in building height, primary frontage orientation, and ground-floor transparency—the City Council previously determined that the Center met TMISAP goals. Including this Property within the Center's boundaries

continues that approval and allows for its development in alignment with the larger industrial business complex.

## **E. Transportation Analysis**

### **1. Access (*Comp Plan, UDC 11-3A-3, UDC 11-3H-4*):**

Goal 6.01.02B emphasizes reducing the number of access points onto arterial streets by utilizing strategies such as cross-access agreements, access management, and the creation of frontage and backage roads, while also improving connectivity between local and collector streets. Access is proposed from W. Grand Mogul Drive (a collector street) using an existing curb cut and private drive aisle leading to this property. The road infrastructure in the surrounding area is as follows:

W. Franklin Road to the west of the subject property is presently 2 lanes with no curb, gutter or sidewalk. S. Black Cat Road is presently 2 lanes with no curb, gutter or sidewalk. The ACHD Capital Improvements Integrated Five Year Work Plan (IFYWP) shows the intersection of Franklin Road and McDermott Road to be constructed as a multi-lane roundabout sometime after 2027. Black Cat Road is listed to be widened to 5 lanes between W. Overland Road to W. Franklin Road in 2036 to 2040. W. Franklin Road is planned to be widened to 5 lanes between W. McDermott Rd and S. Black Cat Rd sometime after 2028. W. Franklin Road is eventually intended to connect to SH 16 by a signalized intersection.

In 2022, a traffic impact study was completed with the previous application and is not required with this application. However, the TIS addressed concerns regarding traffic from this development and it was found that the infrastructure will be able to manage the 2.2 million square feet that will be developed within the broader project. This property was included in that scope.

Since this approval, there has been a significant amount of development in the vicinity that is either being built or has been approved. This includes 378,360 square feet of commercial and industrial uses across Black Cat Road as a part of Farmstone (H-2023-0045), 256 residential building lots to the northeast as a part of Avani Subdivision (H-2023-0049), 552 Dwelling units as a part of Vanguard Village, 330 single family lots and 240 apartments as a part of Braya Subdivision, and a large amount of commercial, industrial, and residential in the District at Ten Mile, which contribute impacts to the area roadways. These developments also have requirements and restrictions on development until certain road improvements are completed.

Specific to this applicant, the development agreement specifies that certain road improvements are required once specific square footage thresholds are reached. Currently, the site features 559,295 square feet of industrial space under development, and this application will increase the total to over 600,000 square feet once constructed. When the total exceeds 960,000 square feet, the following improvements shall be completed prior to 1,500,000 square feet being reached per the DA and ACHD recommendations: Black Cat Road will be widened to five lanes between Grand Mogul Drive and Franklin; the intersection of Black Cat and Franklin must be upgraded; and the McDermott and Franklin intersection will need enhancements, including a two-way left turn lane, unless Franklin has already been widened to five lanes.

### **2. Multiuse Pathways and Sidewalks (*UDC 11-3A-17*) (*UDC 11-3A-5*):**

The previously approved multi-use pathway is located along W. Grand Mogul Drive. This application proposes an extension of the detached multi-use pathways along the collector road (W. Grand Mogul Drive). However, the applicant has informed staff that the 10-foot multi-use pathway has already been installed. Staff will require the pathway to be shown and

dimensioned as 10-feet with submittal of the certificate of zoning compliance. The concept plan also includes a 5-foot detached sidewalk along S. Black Cat Road, which terminates in the middle of the parcel. ACHD has approved the construction of a 5-foot detached sidewalk, and staff supports this recommendation because a 5-foot detached sidewalk has already been constructed on N. Black Cat north of this site. While the City usually mandates a 10-foot detached sidewalk along arterial roads, discussions with the applicant, ACHD, and the Parks Department have led staff to favor the 5-foot width in this case. Furthermore, staff recommends installing signage to alert pedestrians about the sidewalk's end. Additionally, the concept plan indicates detached sidewalks of an unspecified width paralleling the new collector street on the north portion of the site.

There is no pedestrian connection from this sidewalk to the front entrances for any of the suites. The applicant shall provide a pedestrian connection point to the entrances of the suites. If the pedestrian walkway crosses vehicular driving surfaces, it is required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4.

#### **F. Services Analysis**

1. *Pressurized Irrigation (UDC 11-3A-15):*  
Underground pressurized irrigation water is required to be provided to each lot within the development as set forth in UDC 11-3A-15.
2. *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.
3. *Utilities (Comp Plan, UDC 11-3A-21):*  
Connection to City water and sewer services is required and are available to be extended by the developer with development in accord with UDC 11-3A-21 and Goals 3.03.03G & 3.03.03F. Urban sewer and water infrastructure and curb, gutter, and sidewalks are required to be provided with development.

### **III. CITY/AGENCY COMMENTS & CONDITIONS**

#### **A. Meridian Planning Division**

Prior to approval of the annexation ordinance, an addendum to the DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer. **A certificate of zoning compliance shall not be submitted until the amended DA and Ordinance is approved by City Council.**

The addendum to 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 addendum to the DA shall, at minimum, incorporate the following provisions *IF* City Council determines annexation is in the best interest of the City:

- a. Future development of this site shall be generally consistent with the concept plan, landscape plan, and conceptual building elevations included in Section VIII and the provisions contained herein.
- b. The applicant shall comply with the design standards in the existing development agreement (Instrument # 2022-082504) with the addition of the following provisions.
  - ~~The northern half of the eastern façade shall incorporate additional fenestration to meet an average of 30% of fenestration required in the Architectural Standards Manual or apply for a design standard exception to potentially reduce the fenestration requirement to 20% in accordance with the TMISAP.~~
  - “Notwithstanding any provision in the TMISAP development guidelines or the Architectural Standards Manual, the eastern façade of the conceptual building depicted in Section VIII of the Modification Findings shall satisfy fenestration requirements by incorporating a minimum of 10% fenestration on the northern half of the eastern facade.”
  - The east side of the building shall incorporate landscaping at the base of the building to provide pedestrian scale elements and break up the wall plane.

**Planning Division comments related to future application submittals:**

1. Provide a pedestrian connection point to the entrances of the suites. If the pedestrian walkway crosses vehicular driving surfaces, it is required to be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete or bricks.
2. Signage shall be installed ahead of the pathway ending along N. Black Cat Road to warn pedestrians of the ending walkway.

**B. Meridian Public Works**

<b>Wastewater</b>	
<ul style="list-style-type: none"> <li>• Distance to Sewer Services</li> <li>• Sewer Shed</li> <li>• Estimated Project Sewer ERU's</li> <li>• WRRF Declining Balance</li> <li>• Project Consistent with WW Master Plan/Facility Plan</li> </ul>	<p>Available at Site</p> <p>See application</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>• Impacts/concerns</li> </ul>	<ul style="list-style-type: none"> <li>• See Public Works Site Specific Conditions</li> </ul>
<b>Water</b>	
<ul style="list-style-type: none"> <li>• Distance to Water Services</li> <li>• Pressure Zone</li> <li>• Estimated Project Water ERU's</li> <li>• Water Quality</li> <li>• Project Consistent with Water Master Plan</li> <li>• Impacts/Concerns</li> </ul>	<p>Water Available at Site</p> <p>See application</p> <p>None</p> <p>Yes</p> <p>None -</p>

**NON-PLAT CONDITIONS**

**PUBLIC WORKS DEPARTMENT**

**Site Specific Conditions of Approval**

1. 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.
2. Ensure no sewer services pass through infiltration trenches.
3. Provide 20' Easements for mains, hydrant laterals and water services. Easements should extend up to the end of main/hydrant/water meter and 10' beyond it.
5. No permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) to be built within the utility easement.

**General Conditions of Approval**

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department.
2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.

## C. Meridian Park's Department



**Reviewer:** Kim Warren / Pathways Project Manager

**Planner Assigned:** Nick Napoli

**Project Name:** Black Cat East **File No:** H-2024-0047 – AZ, MDA **Date:** revised 10.31.2024

The following will be required for development of the proposed project:

### CONDITIONS OF APPROVAL – PATHWAYS - REVISED

1. The project developer shall design and construct multi-use pathways consistent with the location and specifications set forth in the Meridian Pathways Master Plan Map and Master Pathways Plan Document Chapter 3). Any proposed adjustments to pathway alignment shall be coordinated through the Pathways Project Manager.
2. Prior to final approval the applicant shall dedicate a public access easement for ~~a 10' wide multi-use pathway in the landscape buffer parallel to the I-84 Corridor, continuing north parallel to the fill slope along Black Cat Rd. as far as W. Grand Mogul Dr.~~ **detached 10' wide sidewalks along both sides of W. Grand Mogul Dr.** Easements shall be a minimum of 14' wide (10' pathway + 2' shoulder each side). **Easement need only be dedicated for multi-use pathways (or portions of the pathway) that lie outside the public ROW.**

*Use standard City template for public access easement. **Submit all easements online through Citizen's Access Portal.***

3. Construct multi-use pathways per paving section based on existing site conditions as recommended by project civil engineer in accord with UDC 11-3A-8 and 11-3B-12. Prior to final approval the applicant's engineer shall provide written documentation that the pathway segment was constructed per the recommended specifications.
4. The owner (or representative association) of the property affected by each public access easement shall have an ongoing obligation to maintain the multi-use pathway.
5. 6' high open vision fencing shall be installed between pathways and (live) water irrigation canals and laterals as detailed in the Meridian Pathways Master Plan, Chapter 3, page 3-5. All other fence details per UDC 11-3A-7.
6. Project developer shall be responsible for obtaining license agreement and other permission(s) as required for constructing within irrigation district easements.
7. Should any discrepancy exist between these conditions of approval and the requirements of the irrigation district, the developer shall work with Pathways Project Manager to achieve a pathway design that meets both City and irrigation district objectives. City requirements as stated shall not (nor are they intended to) override those of the irrigation district having jurisdiction over the project area.

## D. Ada County Highway District (ACHD)



Alexis Pickering, President  
 Miranda Gold, Vice-President  
 Jim Hansen, Commissioner  
 Kent Goldthorpe, Commissioner  
 Dave McKinney, Commissioner

Date: October 9, 2024

To: Brandon Swanson, Sawtooth Development

Elizabeth Koeckeritz, Givens Pursley

Staff Contact: Sam Standal, Assistant Traffic Engineer

Project Description: Black Cat East Rezone and Annexation

Trip Generation: This development is estimated to generate 330 vehicle trips per day, 33 vehicle trip per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 11<sup>th</sup> edition.

Proposed Development Meets	
All ACHD Policies	*
Requires Revisions to meet ACHD Policies	

Traffic Impact Study	
Yes	X
No	
If yes, is mitigation required	

Area Roadway Level of Service	
Do area roadways meet ACHD's LOS Planning Thresholds?	
Yes	X
No	
Area roads will meet ACHD's LOS Planning Thresholds in the future with planned improvements?	
Yes	
No	

ACHD Planned Improvements	
IFYWP	X
CIP	X

Livable Street Performance Measures	
Pedestrian	LTS4
Cyclist	LTS4

Is Transit Available?	
Yes	
No	X

Comments: The tables above list the existing conditions of the surrounding roadways without the proposed development as this application is for annexation

*connecting you to more*

#### IV. FINDINGS

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

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;

*Based on previous approvals, City Council finds the proposed development is consistent with the TMISAP designation of Mixed Employment and the proposed development will be a continuation of the Black Cat Industrial Business Complex.*

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

*The City Council finds the proposed map amendment to I-L is not the preferred zoning in Mixed-Employment, however I-L is consistent with the current zoning in this area and the planned uses for the building support the purpose statement of the I-L zone.*

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

*This application proposes to annex 3.62 acres of property designated as an employment center with the I-L zoning district to allow a “modern industrial business” center with a concept plan that resembles a warehousing and distribution uses. The City Council finds the proposed development 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

*The City Council finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.*

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

*The City Council finds the proposed annexation and zone of I-L to be in the best interest of the city due to City Councils previous approval for the larger surrounding development. This will allow the property to develop in accord with the larger industrial business complex.*

#### IV. ACTION

##### A. Staff:

Staff recommend approval of the proposed annexation with the requirement of a Development Agreement.



**B. Commission:**

The Meridian Planning & Zoning Commission heard these items on November 7<sup>th</sup>, 2024. At the public hearing, the Commission moved to recommend approval of the subject annexation and development agreement modification requests.

1. Summary of Commission public hearing:
  - a. In favor: Clay Sammis and Elizabeth Koeckeritz
  - b. In opposition: None
  - c. Commenting: None
  - d. Written testimony: None
  - e. Staff presenting application: Nick Napoli
  - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
  - a. None
3. Key issue(s) of discussion by Commission:
  - a. Fenestration on the eastern façade.
4. Commission change(s) to Staff recommendation:
  - a. None
5. Outstanding issue(s) for City Council:
  - a. Fenestration on the eastern façade.

**C. City Council:**

The Meridian City Council heard these items on December 3<sup>rd</sup>, 2024. At the public hearing, the Council moved to approve the subject annexation and development agreement modification requests.

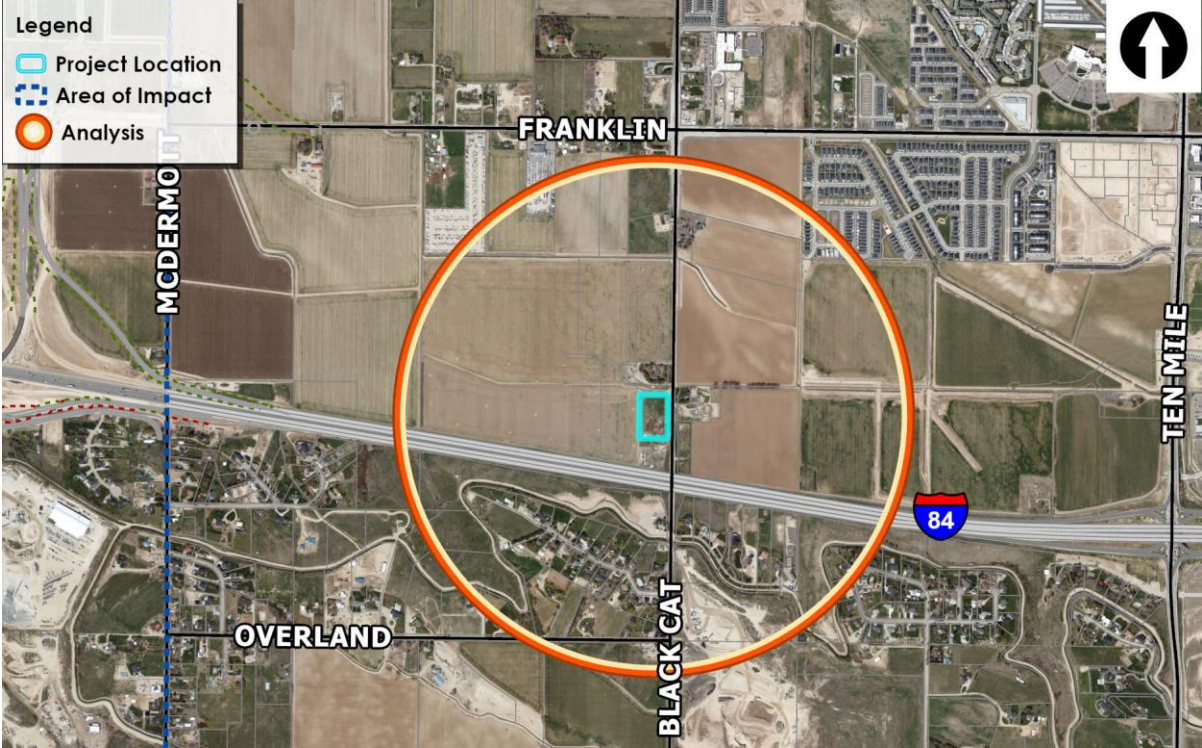
1. Summary of the City Council public hearing:
  - a. In favor: Clay Sammis and Elizabeth Koeckeritz
  - b. In opposition: None
  - c. Commenting: None
  - d. Written testimony: None
  - e. Staff presenting application: Nick Napoli
  - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
  - a. None
3. Key issue(s) of discussion by City Council:
  - a. Fenestration on the eastern façade.
4. City Council change(s) to Commission recommendation:
  - a. Adopt the new DA provision as proposed by the applicant.

V. EXHIBITS

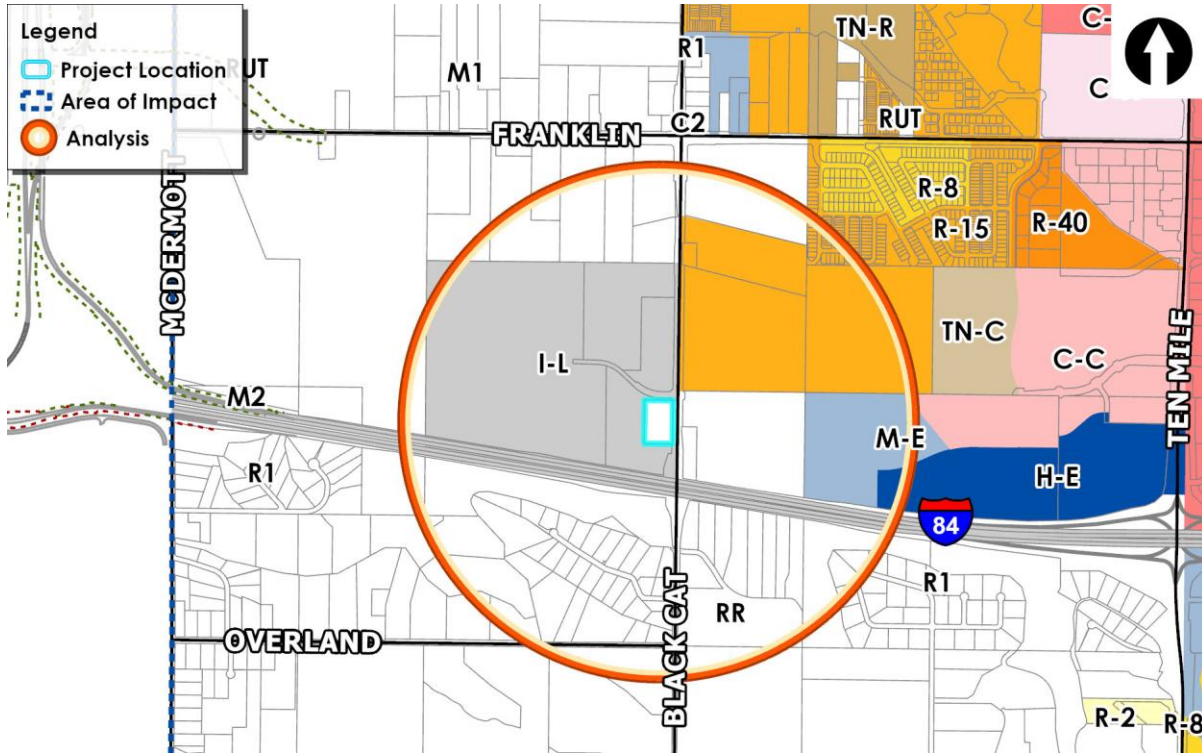
A. Project Area Maps

(link to [Project Overview](#))

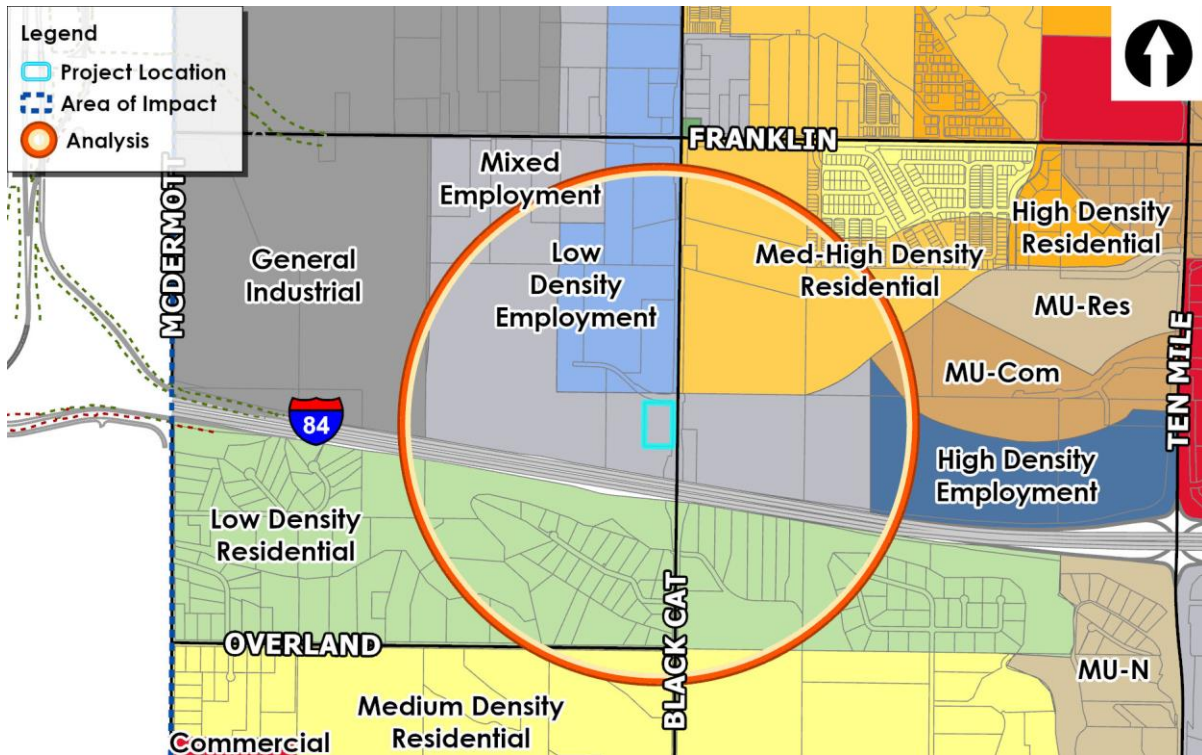
1. Aerial



2. Zoning Map

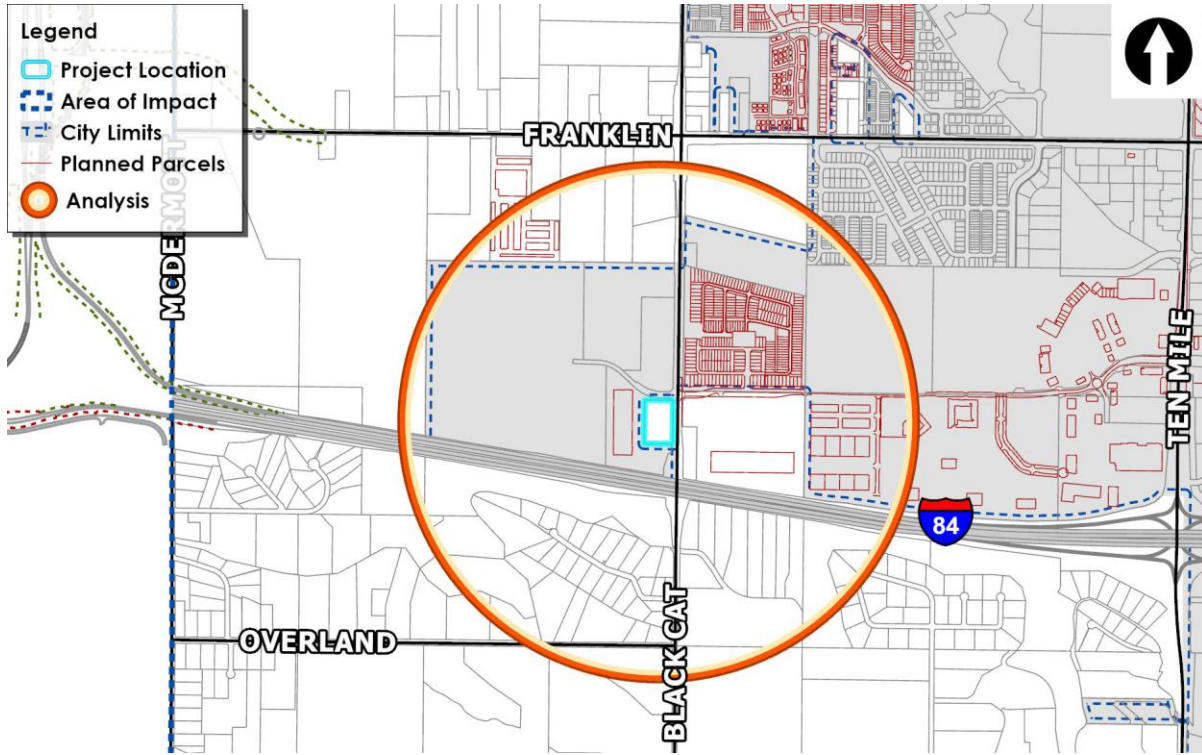


3. Future Land Use





#### 4. Planned Development Map



**B. Subject Site Photos**





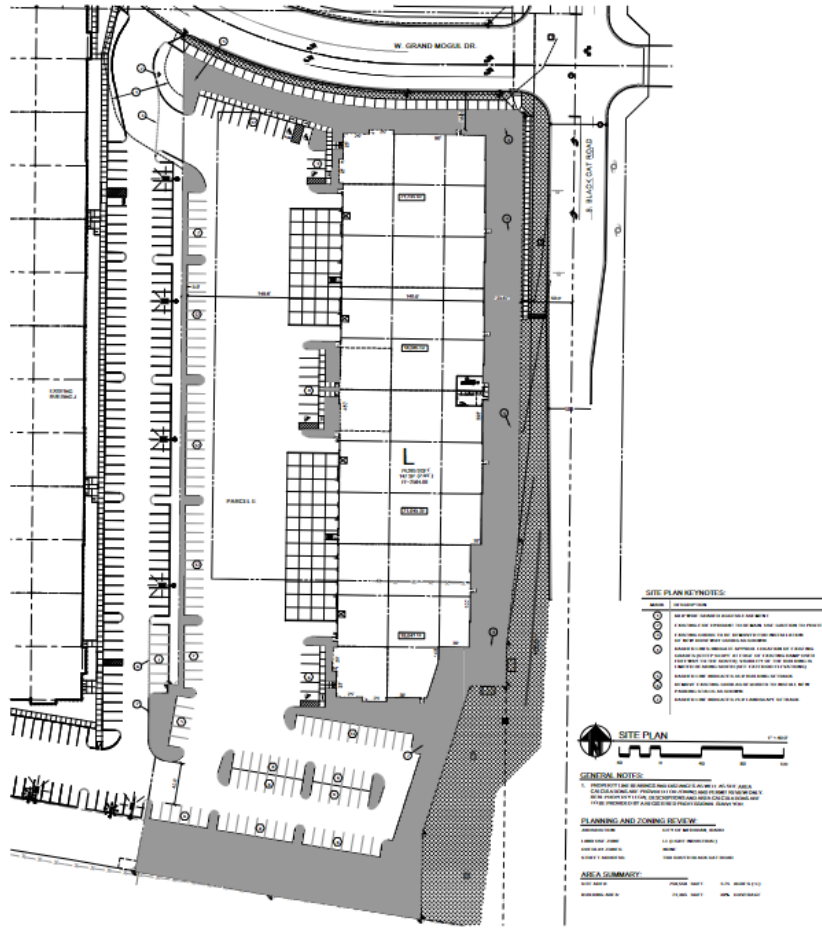
**C. Service Accessibility Report**

<b>Overall Score: 2</b>	<b>1st Percentile</b>
-------------------------	-----------------------

<b>Criteria</b>	<b>Description</b>	<b>Indicator</b>
Location	Within 1/2 mile of City Limits	<b>YELLOW</b>
Extension Sewer	Trunkshed mains < 500 ft. from parcel	<b>GREEN</b>
Floodplain	Either not within the 100 yr floodplain or > 2 acres	<b>GREEN</b>
Emergency Services Fire	Response time > 9 min.	<b>RED</b>
Emergency Services Police	Not enough data to report average response time	<b>RED</b>
Pathways	Within 1/4 mile of future pathways	<b>YELLOW</b>
Transit	Not within 1/4 of current or future transit route	<b>RED</b>
Arterial Road Buildout Status	Ultimate configuration (# of lanes in master streets plan) > existing (# of lanes) & road IS NOT in 5 yr work plan	<b>RED</b>
School Walking Proximity	From 1/2 to 1 mile walking	<b>YELLOW</b>
School Drivability	Not within 2 miles driving of existing or future school	<b>RED</b>
Park Walkability	No park within walking distance by park type	<b>RED</b>



D. Site Plan (date: 7/1/2024)



**VLMK**  
 ENGINEERING + DESIGN  
 3833 S Kelly Avenue  
 Portland, Oregon 97226  
 503.227.4153  
 VLMK.COM

gt industrial  
 SAWTOOTH DEVELOPMENT GROUP

PROJECT NO: MERIDIAN COMMERCE PARK BUILDING L  
 183 S BLACK CAT BLVD  
 MERIDIAN, IDAHO 83642

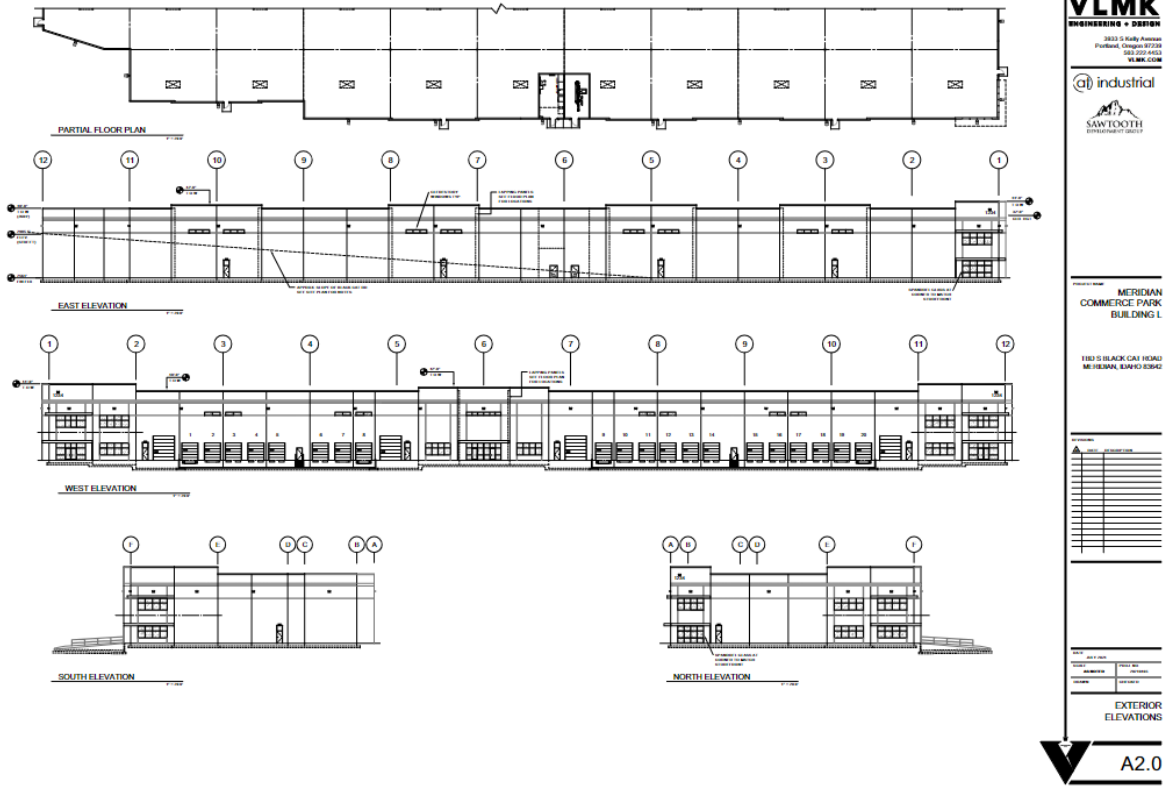
DATE: 07/01/2024  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]

**SITE PLAN**

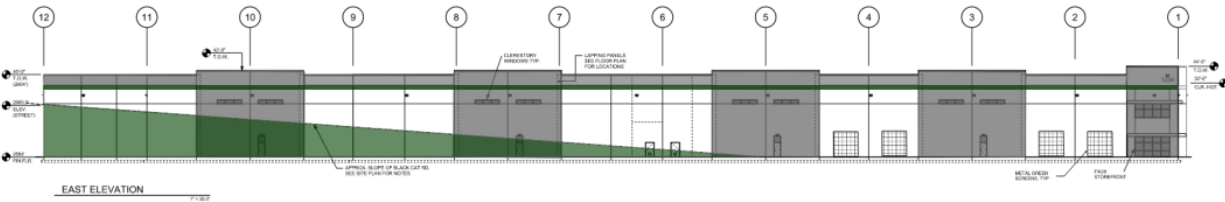
**G1.0**



**E. Building Elevations (date: 7/1/2024)**



Revised Eastern Façade:



**F. Annexation Legal Description & Exhibit Map**



**LEGAL DESCRIPTION**

Page 1 of 1

July 17, 2024  
Project No. 121102

**EXHIBIT A**

**BLACK CAT ROAD – BUILDING L  
ANNEXATION DESCRIPTION**

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 16, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 16 of said Township 3 North, Range 1 West, (from which point the Section Corner common to Sections 9, 10, 15 and 16 of said Township 3 North, Range 1 West bears South 00° 43' 07" West, a distance of 2656.35 feet distant);

Thence from said East Quarter Corner, South 00° 43' 07" West, a distance of 99.88 feet on the East line of said Section 16 to the POINT OF BEGINNING;

Thence continuing South 00° 43' 07" West, a distance of 454.28 feet on said East line;

Thence North 89° 16' 53" West, a distance of 347.82 feet;

Thence North 00° 46' 01" East, a distance of 454.28 feet;

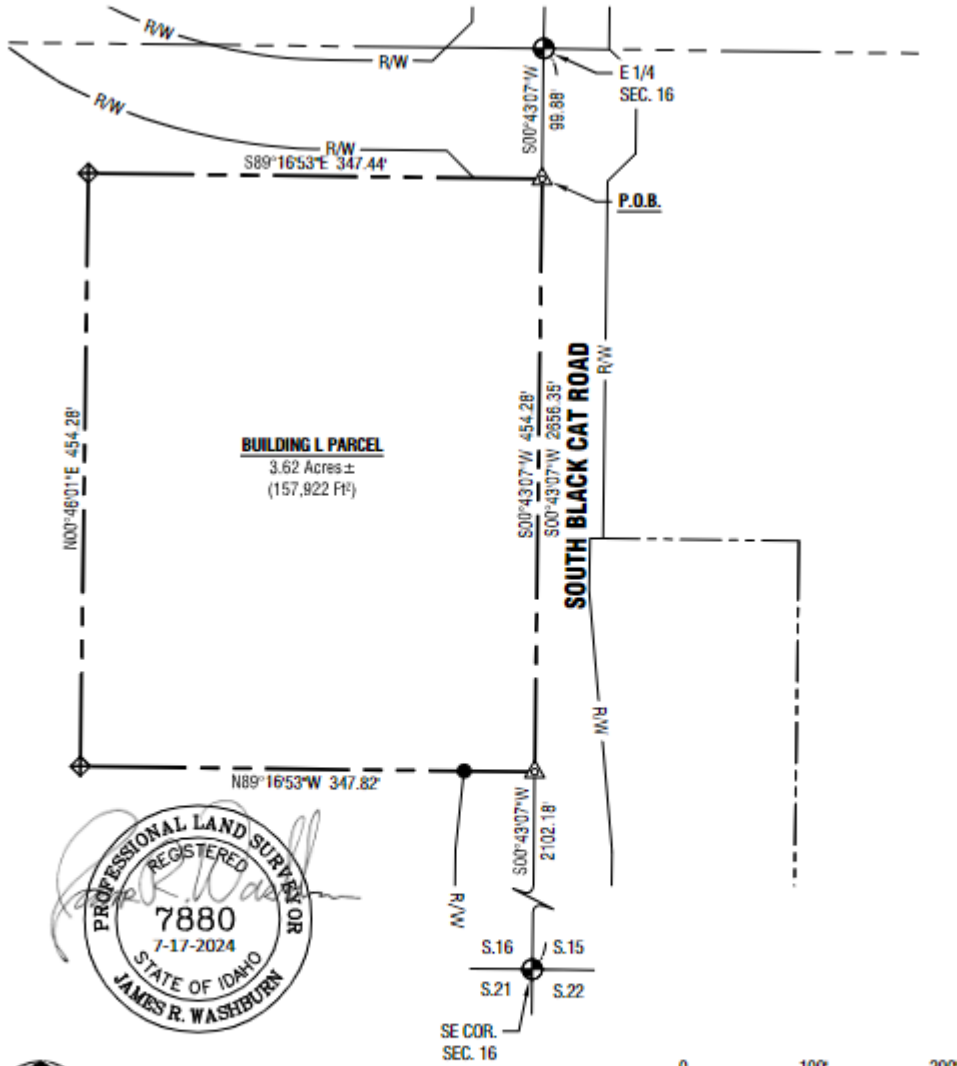
Thence South 89° 16' 53" East, a distance of 347.44 feet on said East line to the POINT OF BEGINNING.

The above described parcel contains 3.62 acres more or less.

PREPARED BY:  
THE LAND GROUP, INC.

James R. Washburn





No Location - 4/20/21 12:11:28 PM - 12/15/2024 11:30 AM - 12/15/2024 11:30 AM  
 L&P Plans by: 7/16/2024  
 Date Printed: 7/17/2024 at 11:30 AM



**Exhibit "B"**

Horizontal Scale: 1" = 100'



121102  
Date of Issuance: July 17, 2024



**Building L  
Black Cat Industrial  
Annexation Description**

**1 of 1**