


Adrienne Weatherly

From: clerk@meridiancity.org
Sent: Monday, October 4, 2021 1:06 PM
To: Adrienne Weatherly
Subject: Development Application Transmittals - Settlers Square DA Modification


Development Application Transmittal
Link to Project Application: Settlers Square DA Modification H-2021-0072
Hearing Date: November 9, 2021
Assigned Planner: Joseph Dodson
<i>To view the City of Meridian Public Records Repository, Click Here</i>

The above "Link to Project Application" will provide you with any further information on the project.

The City of Meridian is requesting comments and recommendations on the application referenced above. To review the application and project information please click on the application link above. The City of Meridian values transparency and makes a variety of information available to the public online through our public records repository.

We request that you submit your comments or recommendations prior to the hearing date specified above. When responding, please reference the file number of the project. If responding by email, please send comments to cityclerk@meridiancity.org.

For additional information associated with this application please contact the City of Meridian Planner identified above at 208-884-5533.

Thank you,

City Clerk's Office
33 E. Broadway Ave., Meridian, Idaho 83642
Phone: 208.888.4433 | Email: cityclerk@meridiancity.org



Built for Business, Designed for Living

All e-mail messages sent to or received by City of Meridian e-mail accounts are subject to the Idaho law, in regards to both release and retention, and may be released upon request, unless exempt from disclosure by law.

City Council Hearing Date: November 9, 2021

Planner: Joseph Dodson

File No.: H-2021-0072

Project Name: Settlers Square DA Modification

Request: Modification to the existing Development Agreement (Inst. #2016-097989) for the purpose of entering into a new agreement to incorporate a new concept plan consisting of commercial and residential uses.

Location: The site is located on the northwest corner of W. Ustick Road and N. Venable Avenue, adjacent to the mid-mile mark between Linder Road and Meridian Road, in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 36, Township 4N., Range 1W.



Type of Review Requested

Hearing

File number: H-2021-0072
Assigned Planner: Joseph Dodson
Related Files: _____

Applicant Information

Applicant name: JOSH BEACH, BRIGHTON DEVELOPMENT INC. Phone: 2088713812
2929 W. NAVIGATOR DRIVE SUITE 400, MERIDIAN, ID
Applicant address: 83642 Email: jbeach@brightoncorp.com

Owner name: TRAVIS BARNEY Phone: _____ Fax: _____
Owner address: 500 E. SHORE DRIVE #120, EAGLE, ID 83646 Email: _____

Agent name (e.g. architect, engineer, developer, representative): JOSH BEACH
Firm name: BRIGHTON DEVELOPMENT INC. Phone: 2088713812 Fax: _____
Address: 2929 W. NAVIGATOR DRIVE SUITE 400 Email: jbeach@brightoncorp.com

Contact name: _____ Phone: _____ Fax: _____
Contact address: _____ Email: _____

Subject Property Information

Location/street address: 870 W USTICK RD
Assessor's parcel number(s): S0436347150
Township, range, section: 4N1W36

Project Description

Project/Application Name: Settlers Square - MDA
Description of Work: Modification to the existing Development Agreement (Inst. #2016-097989) for the purpose of entering into a new agreement to incorporate a new concept plan consisting of commercial and residential uses.

Application Information

APPLICATION TYPES	
Is this application exempt from fees?:	No
Development Agreement Modification - MDA:	CHECKED
ADDRESS VERIFICATION	
Address Verification Permit Number:	LDAV-2021-0652
TYPE OF USE PROPOSED	
Office:	CHECKED
PROPERTY INFORMATION	
General Location:	Near the NWC of Ustick and Venable
Current Land Use:	Vacant
Total Acreage:	9.001
Prior Approvals (File Numbers):	AZ-07-018; PP-07-024; H-2016-0074
Traffic Study Required per ACHD:	No
ZONING DISTRICT(S)	
C-C:	CHECKED
FLUM DESIGNATION(S)	
Mixed Use Community:	CHECKED
Acreage - Mixed Use Community:	9.001
PROJECT INFORMATION	
What was the date of your pre-application meeting?:	05/27/2021
What was the date of your neighborhood meeting?:	07/22/2021
PROPERTY POSTING	
I agree to comply with the Commitment of Property Posting regulations per UDC 11-5A-6D:	CHECKED
TIME EXTENSION INFORMATION	
Number of months extension:	24
APPLICATION DISCLAIMER	
I have read and accept the above terms:	CHECKED
Your signature:	Josh Beach
MISC	
Is new record:	No



September 20, 2021

Caleb Hood, Planning Manager

City of Meridian Community Development Department
Meridian City Hall

RE: Settlers Square Development Agreement Modification

Dear Mr. Hood,

Enclosed is an application to modify the **Settler's Square** Development Agreement. The original approval was granted on April 30, 2008 as ordinance #08-1364, and recorded on May 22, 2008 as instrument #108059803. A modification to the development agreement was approved on September 6, 2016 and recorded on October 12, 2016 as instrument # 2016-097989.

Related project files: AZ 07-018; PP 07-024; H-2016-0074.

PROPOSALS

Specifically, this request proposes modification of the approved conceptual site plan (page 4), architectural elevations (page 3), certain other provisions of the existing development agreement (below), and adding a provision to obtain building permits for the commercial portions of the development prior to recording of the final plat.

Market conditions have shifted significantly since the previous approvals were granted in 2016. We believe that a mixed use commercial and residential project is appropriate for the location. The modifications will allow us to quickly move forward with development of this infill parcel.

The requested changes are as follows:

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

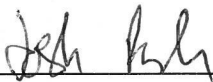
5.1 Owner/Developer shall develop the Property in accordance with the following special conditions:

1. Development of the property shall substantially comply with the commercial elevations and the conceptual site plan submitted with the subject application (see Exhibit A), as determined by the Planning Director, including the concepts outlined below.
 - ▶ Pedestrian connections shall be constructed ~~between commercial buildings in the form of pathways distinguished from vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as proposed~~ as required by the City of Meridian Architectural Standards Manual and the UDC.
 - ▶ Commercial structures shall ~~be built adjacent to roadways with on-site parking to the rear and sides of the structures; as proposed (on-street parking is approved)~~ meet the requirements of the City of Meridian Architectural Standards Manual.

- ▶ Building materials for the development shall meet the requirements of the City of Meridian Architectural Standards Manual and shall be consistent with the architectural elevations in Exhibit A. ~~(stucco and wood siding, architectural composition shingles, metal awnings and brick veneer accents), architectural elements (50% glazing on ground level, metal awnings, brick veneer pilasters, and entry way porticos on the larger scaled buildings).~~
 - ▶ ~~A minimum of 7 buildings with no one building exceeding 20,000 square feet. The maximum allowable non-residential square footage for this development shall be 108,000 square feet.~~
2. A. Except for the two access points noted on the plat, no lot shall have direct access to Ustick Road or Venable Ave. Place a note on the face of the final plat prohibiting direct lot access to Ustick Road and Venable Ave. The single/temporary access to Ustick Road shall be terminated at the time the property to the west constructs an access to Ustick Road that aligns with N. Blairmore Way.
- B. A cross-access easement/agreement shall be recorded for all commercial lots within the subdivision. All lots within the subdivision shall have access to the public streets via private drive aisles. This agreement shall be recorded and a copy of said agreement submitted to the City prior to the City Engineer's signature on the final plat OR a note shall be added to the face of the final plat granting said cross-access.
3. The commercial portions of this development are allowed to obtain building permits prior to subdivision of the property.

Please let me know if you have any questions or require additional information.

For SCS Brighton LLC,

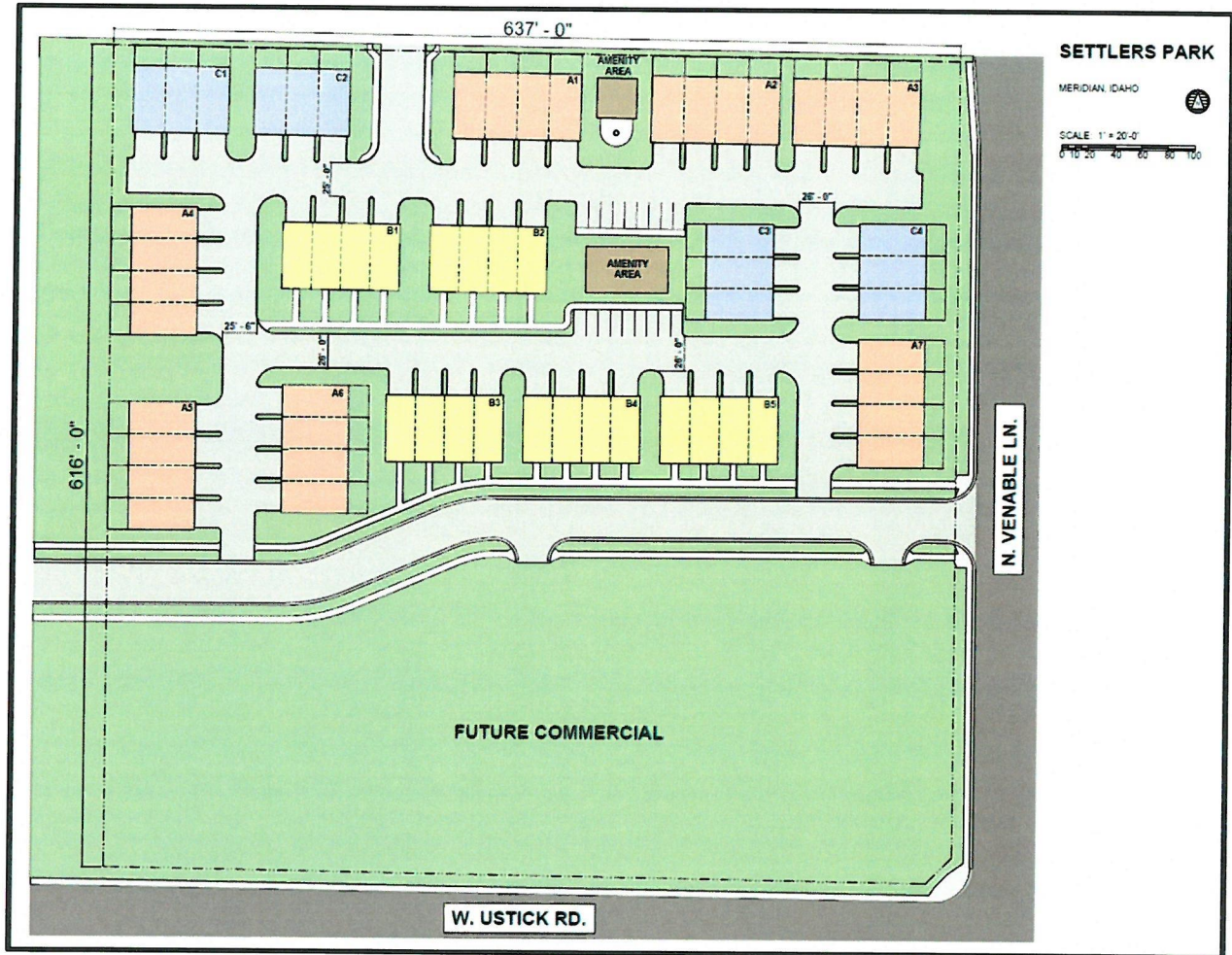


Josh Beach
Assistant Project Manager

EXHIBIT A
Conceptual Architectural Elevations



EXHIBIT B
Conceptual Site Plan





TitleOne
a title & escrow co.

Order Number: 21399347

Warranty Deed

For Value Received,

DS
TB

Seagle Three, LLC, an Idaho limited liability company, the Grantor, does hereby grant, bargain sell and convey unto, Alturas Ustick, LLC, an Idaho limited liability company, whose current address is 500 E. Shore Drive, Suite 120, Eagle, ID 83616, the Grantee, the following described premises, in Ada County, Idaho, To Wit:

See Exhibit A, attached hereto and incorporated herein.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of this page intentionally left blank.

Order Number: 21399347

Warranty Deed (4-09) - Page 1 of 4

Dated: 6-9-21

Seagle Three, LLC, an Idaho limited liability company

By: McKernan
Michael McKernan, Sole Member

State of Washington, County of King, ss.

On this 9th day of June, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael McKernan, known or identified to me to be a Sole Member of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

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

[Signature]
Notary Public for
Residing In: Seattle
My Commission Expires: July 19, 2023

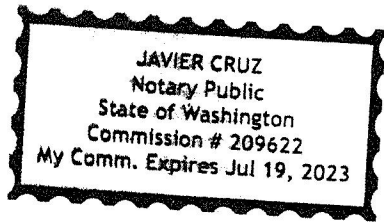


EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

Parcel I:

The South 660 feet of the East one-half of the East one-half of the Southwest quarter of Section 36, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho.

Except the East 29 feet.

Further Except:

A parcel of land located in the East half of the East half of the Southwest quarter of Section 36, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at an iron pin marking the Southwest corner of Section 36, Township 4 North, Range 1 West, Boise Meridian; thence, along the South section line of said Section 36, also being the center line of Ustick Road

South 88°44'00" East 2662.19 feet to an iron pin marking the South quarter corner of said Section 36; thence, leaving said South section line, and along the North-South center quarter section line of said Section 36 North 0°26'40" East 25.00 feet to a point on the North right-of-way line of said Ustick Road, also being the Real Point of Beginning; thence, leaving said North right-of-way line, and continuing along said North-South center quarter section line

North 0°26'40" East 639.49 feet to a point; thence, leaving said North-South center quarter section line

North 88°50'42" West 84.71 feet to an iron pin; thence

South 1°31'09" West 639.26 feet to an iron pin on the said North right-of-way line; thence along said North right-of-way line

South 88°44'00" East 96.71 feet to the Real Point of Beginning.

Further Excepting:

A parcel of land disclosed in Warranty Deed to Ada County Highway District recorded April 9, 2010 as Instrument No. 110032208, records of Ada County, Idaho.

Parcel II:

A parcel of land located in the East half of the East half of the Southwest quarter of Section 36, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at an iron pin marking the Southwest corner of Section 36, Township 4 North, Range 1 West, Boise Meridian; thence along the South section line of said Section 36, also being the center line of Ustick Road

South 88°44'00" East, 2662.19 feet to an iron pin marking the South quarter corner of said Section 36; thence leaving said South section line, and along the North-South center quarter section line of said Section 36

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South 88°44'00" East, 96.71 feet to the Real Point of Beginning.**

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AFFIDAVIT OF LEGAL INTEREST

STATE OF IDAHO)
)
COUNTY OF ADA)

I, Travis Barney, 500 E. Shore Drive, Suite 120
(name) (address)
Eagle, Idaho
(city) (state)

being first duly sworn upon, oath, depose and say:

- 1. That I am the record owner of the property described on the attached, and I grant my permission to:

Jon Wardle, 2929 W. Navigator Dr., Suite 400, Meridian, ID 83642
(name) (address)

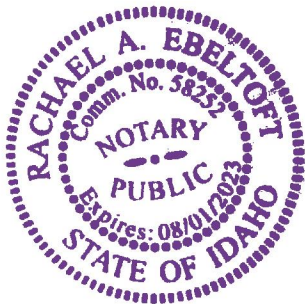
to submit the accompanying application(s) pertaining to that property.

- 2. I agree to indemnify, defend and hold the City of Meridian and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.
- 3. I hereby grant permission to City of Meridian staff to enter the subject property for the purpose of site inspections related to processing said application(s).

Dated this 26 day of July, 2021

By: *Travis Barney*
(Signature)

SUBSCRIBED AND SWORN to before me the day and year first above written.



Rachael A. Ebeltoft
(Notary Public for Idaho)
Residing at: Meridian, Idaho
My Commission Expires: 08/01/2023



Legal Description:

Parcel I:

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Except:

A parcel of land disclosed in Warranty Deed to Ada County Highway District recorded April 9, 2010 as Instrument No. 110032208, records of Ada County, Idaho.



Type of Review Requested

Pre-Application Request

File number:	PREAPP-2021-0035
Assigned Planner:	Joseph Dodson
Scheduled Date:	05/06/2021
Scheduled Time:	10:00 AM

Applicant Information

Name: JOHN WARDLE, BRIGHTON CORPORATION
Address: 12601 W. EXPLORER DRIVE SUITE 200 83713
Phone: 208-287-0518 **Email:** jwardle@brightoncorp.com

Additional Attendee(s)

Name: Rod Givens **Business Name:** Alturas
Address: 500 E Shore Drive, Ste. 100 Eagle, ID 83616
Phone: **Email:** rodgivens@alturas.com

Subject Property Information

Location/street address: 870 W USTICK RD
Assessor's parcel number (s): S0436347150
Township, range, section: 4N1W36

Project Description

Project/Application Name: Settlers Park Townhomes
Description of Work: 102 Townhomes located at the NW corner of Ustick and Venable

Application Information

APPLICATION TYPES	
Conditional Use Permit - CUP:	CHECKED
Development Agreement Modification - MDA:	CHECKED
FLUM DESIGNATION(S)	
Acreage - Mixed Use Community:	9.0
Mixed Use Community:	CHECKED
MULTI-FAMILY	
Number of 2-3 Bedroom Units:	102
Total Number of Units:	102

OTHER AGENCIES TO CONTACT	
Ada County Highway Dist. (ACHD):	CHECKED
PROJECT INFORMATION	
Gross Density:	11.33
I acknowledge a neighborhood meeting is required prior to application submittal:	CHECKED
I acknowledge pre-app notes are good for 4 months:	CHECKED
I acknowledge that a Site Plan will be uploaded in the attachment section:	CHECKED
Minimum Square Footage of Living Area (Excluding Garage):	1000
Number of Residential Units:	102
PROPERTY INFORMATION	
Current Land Use:	C-C
Prior Approvals (File Numbers):	AZ-07-018, PP-07-024
Total Acreage:	9.0
TYPE OF USE PROPOSED	
Multi-Family:	CHECKED
Residential:	CHECKED
Townhouse:	CHECKED
ZONING DISTRICT(S)	
C-C:	CHECKED

Review Type	Reviewer	Review Notes
Addressing Plan Review Notes	Ryan Beecroft	Sounds like the site plan will likely change, but as it is currently presented we would have one primary address for the clubhouse and letter identifiers (A-Z) for each building, with apartment numbers in each building. As there are currently 26 buildings shown (one for each letter of the alphabet), if they add even one more residential building they will need to talk to me or Terri as well as Joe with fire to discuss alternate addressing
Building Plan Review Notes	Bret Caulder	Based on the site plan the townhouses shall be built under the 2018 IBC unless the townhouses will be separated by property lines then can design under the 2018 IRC
MFD Plan Review Notes	Joe Bongiorno	All drive aisles shall be 26' wide. ALL drive aisles shall be marked "no parking fire lane" per IFC. Depending on construction type - all building will need to be fire sprinklered.
MPD Plan Review Notes	Scott Colaianni	Police have no comments at this time

Planning Review Notes	Joseph Dodson	<ul style="list-style-type: none"> - Refer to previous pre-app notes for duplicate basic information on site. - Proposed project of solely multi-family residential on 9 acres of C-C zoning would not be supported by Staff because of the lack of commercial in this Mixed-Use Community area. SOME additional residential and a new housing type can work but completely eliminating all of the commercial would not be supported. Furthermore, Staff believes Council would also not approve a DA Modification to remove all of the commercial based on what has transpired over the last year. - Process for proposal would be two-fold with a DA Mod going before Council first to ensure the concept of multi-family would be allowed in the DA. Following that, a CUP would be heard by Commission. Both applications can be applied for at the same time but CUP would be slightly delayed to accommodate DA Mod. - Access to the other county property along Ustick to the west must be maintained or else they will be on an island, especially if this property is changed to residential. Staff recommends a shared driveway access to Ustick to line up with the access on the south, N. Blairmore Way. - Review mixed use polices in Comp Plan to ensure compliance regardless of project type proposed. - Open space and parking standards are likely to change prior to application submittal; be sure to reach out to Staff prior to submittal to verify those changes. - Pedestrian connectivity within the site and to adjacent sites is integral for Mixed-use projects; be sure to show how project integrates with other sites.
Wastewater Plan Review Notes	Tyson Glock	<ul style="list-style-type: none"> • Site has two mains coming into it. One from Venable Ave and one from Ustick. If either sewer stub is not used, it must be abandoned at the manhole in the street per City standards. • Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. • Proposed flow is 7,500 gpd more then the Master plan. However, capacity is available at this time. • Ensure no sewer services cross infiltration trenches
Water Plan Review Notes	Kyle Radek	<p>Water is available in Ustick and Venable. Water plan must be reviewed by engineering. Connect water to adjacent parcels to north and west.</p>