

INSTRUMENT NO. 2009054349

218

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ORDINANCE NO. 3884

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO MODIFYING THAT CERTAIN DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 1910 WEST ROOSEVELT AVENUE IN THE CITY OF NAMPA, AFFIXED TO ORDINANCE NO. 3816 RECORDED AS INSTRUMENT #2008048340, RECORDS OF CANYON COUNTY, IDAHO.

WHEREAS, a public hearing on modifying the Development Agreement for property located at 1910 West Roosevelt affixed to Ordinance No. 3816 recorded as Instrument #2008048340, records of Canyon County, Idaho was held on September 8, 2009; and

WHEREAS, it is deemed to be in the best interests of the City of Nampa to so modify the Development Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NAMPA, IDAHO:

Section 1: That the Development Agreement for property located at 1910 West Roosevelt affixed to Ordinance No. 3816 recorded as Instrument #2008048340, records of Canyon County, Idaho is hereby MODIFIED by the Development Agreement attached hereto as Exhibit A1 and, by this reference, incorporated herein as if set forth in full.

Section 2: That the City Engineer is hereby directed to alter the Use and Area Map in accordance with this Ordinance.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 19 DAY OF October, 2009.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 19 DAY OF October, 2009.

Approved:

By Tom Dale Mayor

Attest:



Lambing

REQUEST TYPE Fee

NAMPA CITY OF

WILLIAM H. HURST CANYON COUNTY RECORDER

2009 OCT 26 PM 2 53

RECORDED

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State of Idaho)

Canyon County)

On this 19 day of October, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Tom Dale and Diana Lambing known to be the Mayor and City Clerk, of the City of Nampa, Idaho, a municipal corporation, who executed the foregoing instrument.

In Witness Whereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

Julie Lockey
Julie Lockey
Residing at: Nampa, Canyon County, Idaho
My Commission Expires: 05/11/2011



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EXHIBIT "A"

A portion of the Southeast Quarter of the Northwest Quarter, Section 29, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at an iron pin with aluminum cap marking the center of Section 29, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, said point being the TRUE POINT OF BEGINNING; thence North 89°53'20" West 606.00 feet along the Southerly boundary of the said Southeast Quarter of the Northwest Quarter, Section 29 to a point; thence North 0°27'15" East 40.00 feet to a 5/8 inch iron pin on the future Northerly right-of-way line of West Roosevelt Avenue; thence continuing North 0°27'15" East 609.63 feet to a 5/8 inch iron pin which is 35.00 feet, measured at right angles, Southwesterly from the centerline of the Wilson Drain; thence continuing North 0°27'15" East 45.07 feet to a point on the said centerline of the Wilson Drain; thence South 50°30'00" East 779.39 feet along said centerline of the Wilson Drain to a point on the Easterly boundary of the said Southeast Quarter of the Northwest Quarter, Section 29; thence South 0°15'35" West 45.19 feet along said Easterly boundary of the Southeast Quarter of the Northwest Quarter, Section 29 to a 5/8 inch iron pin which is 35.00 feet, measured at right angles, Southwesterly from the said centerline of the Wilson Drain; thence continuing South 0°15'35" West 114.91 feet along the said Easterly boundary of the Southeast Quarter of the Northwest Quarter, Section 29 to a 5/8 inch iron pin on the future Northerly right-of-way line of West Roosevelt Avenue; thence continuing South 0°15'35" West 40.00 feet along said Easterly boundary of the Southeast Quarter of the Northwest Quarter, Section 29 to the POINT OF BEGINNING.

Exhibit "A"
Legal Description

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EXHIBIT "A-1"

AMENDMENT TO DEVELOPMENT AGREEMENT

This Amendment to Development Agreement (the "Amendment") is entered into this 19th day of October, 2009 (the "Effective Date") by and between the City of Nampa, a municipal corporation (the "City") and **Richard Budge** hereinafter referred to as "Owner/Developer".

RECITALS

The City and Developer entered into that certain Development Agreement (the "Agreement") dated **August 26, 2008**.

The Agreement was recorded in the records of Canyon County, Idaho as part of that certain **Ordinance No. 3816**, recorded as **Instrument No. 2008048340** on the **5th day of September, 2008**.

The Agreement was made in reference to the potential development of certain real property legally described in Exhibit A to the Agreement (the "Property").

The parties wish to amend the Agreement as set forth herein.

AMENDMENT

NOW, THEREFORE, for good and valuable consideration, including the covenants contained herein, the parties agree as follows:

1. **Defined Terms**. Except as set forth herein, the defined terms used in the Agreement shall have the same meaning in this Amendment.

2. **Exhibit "B"**. Exhibit B to the Agreement is hereby amended in part as portrayed in the Exhibit B attached hereto "**Elmgreen Park 48 Unit Senior Housing Development Concept Plan**" and made a part of this development agreement amendment (hereinafter the "Property").

3. **Exhibit "C"**. Exhibit C to the Agreement specifically lists "Conditions of Approval". The parties agree that Exhibit C shall be amended as follows and made a part thereof:

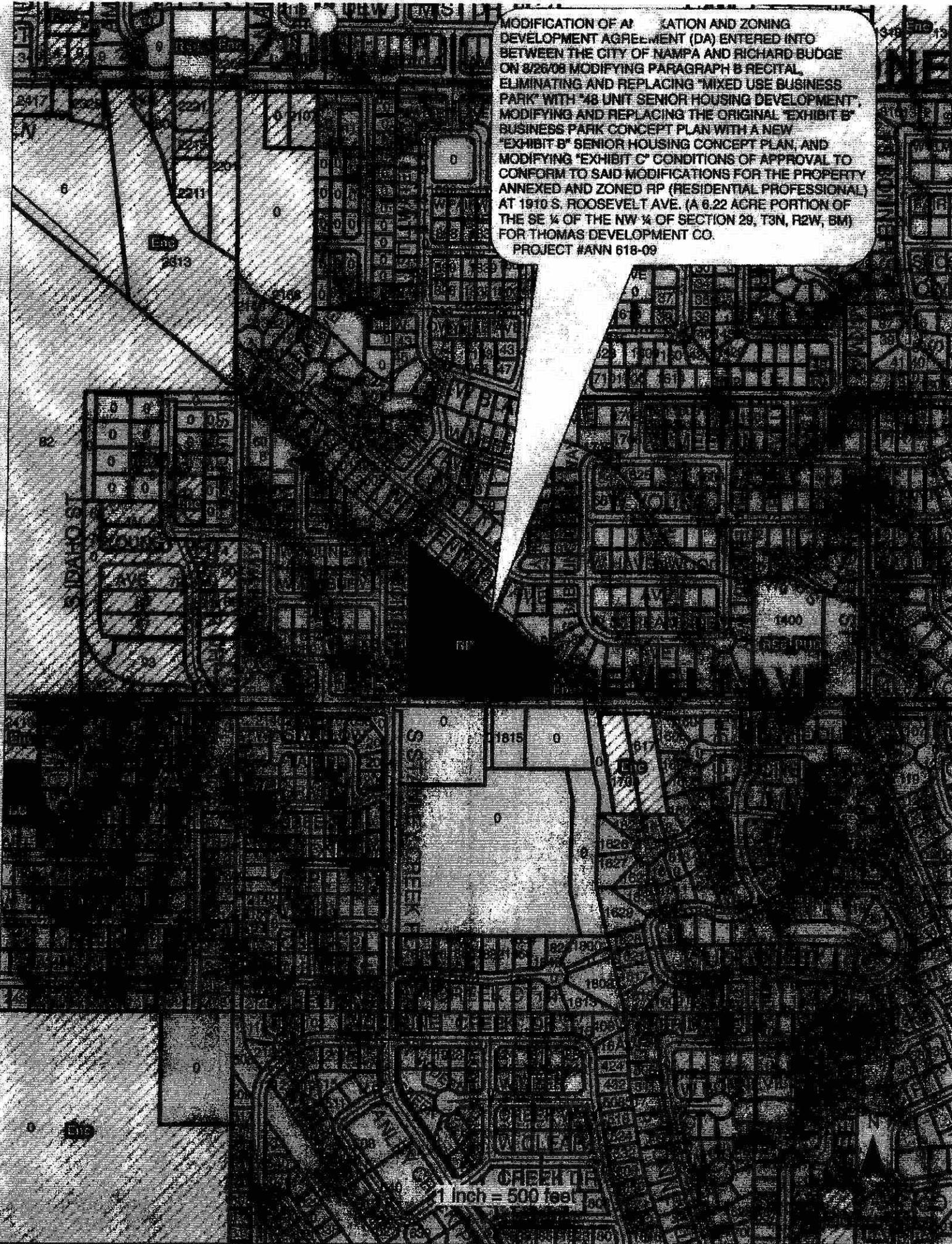
- 1) The Owner/Developer agrees that they will not oppose the formation of a local improvement district for the construction of any infrastructure associated with the development of the Property.

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MODIFICATION OF AN ANNEXATION AND ZONING DEVELOPMENT AGREEMENT (DA) ENTERED INTO BETWEEN THE CITY OF NAMPA AND RICHARD BUDGE ON 8/26/08 MODIFYING PARAGRAPH 8 RECITAL, ELIMINATING AND REPLACING "MIXED USE BUSINESS PARK" WITH "48 UNIT SENIOR HOUSING DEVELOPMENT", MODIFYING AND REPLACING THE ORIGINAL "EXHIBIT B" BUSINESS PARK CONCEPT PLAN WITH A NEW "EXHIBIT B" SENIOR HOUSING CONCEPT PLAN, AND MODIFYING "EXHIBIT C" CONDITIONS OF APPROVAL TO CONFORM TO SAID MODIFICATIONS FOR THE PROPERTY ANNEXED AND ZONED RP (RESIDENTIAL PROFESSIONAL) AT 1910 S. ROOSEVELT AVE. (A 6.22 ACRE PORTION OF THE SE ¼ OF THE NW ¼ OF SECTION 29, T3N, R2W, BM) FOR THOMAS DEVELOPMENT CO.
PROJECT #ANN 618-09



1 inch = 500 feet

- 2) **Building and Site Design:** The facades and site development of new business buildings or complexes to be constructed on the Property shall comply with the following standards:
- a. **Structure Placement:** The "Buildable" portions of properties shall accommodate a non-strip development design. Projects shall be designed to use the least number of vehicular access points, include landscaping and pedestrian benefits, and minimize any negative impact on adjoining properties. Detached sidewalks are encouraged.
 - b. **Building Orientation:**
 - Buildings shall be oriented with primary consideration being given to the visual impact from arterial streets. The view from arterial streets should be dominated by the view of the primary or front building façade. External views of large expanses of parking lots are strongly discouraged.
 - Buildings shall be oriented to face the most primary, adjacent road to the property upon which they are proposed to be constructed.
 - Loading docks shall not face the front of the property. Also loading docks shall not face the front of any adjacent principle building when possible, nor any residential use or zoned area.
 - c. **Building Exteriors:** Facades shall include architectural characteristics which are compatible with the adjoining development and shall be consistent on each building face that is exposed to view from the public right-of-way and/or adjacent to residential use or zone.
 - Buildings shall include changes in plane such as cornices, bases, fenestration, wainscoting, for at least forty (40) percent of the exterior wall area.
 - Building frontages greater than 100 feet in length shall have offsets, jogs or have other distinctive changes in the building façade.
 - Public entrances shall be easily identified and distinct from the remainder of the building, either through architectural form or use of color, material and texture of the façade.
 - d. **Exterior Finish Materials:** Exterior finish materials shall be non-reflective and shall include at least three colors, textures and/or materials.
 - External building materials shall include masonry (e.g. brick, stone, concrete), and exterior insulation finish systems with allowances for accents utilizing alternative materials such as metal, split face block and glass curtain walls.

- Black and/or bright colors are discouraged and are allowed to only cover 25% of the overall wall square footage.
- e. **Mechanical Units:** mechanical equipment and utilities shall be placed and installed in such a way as to have minimal impact on adjoining properties, and shall be screened from public view with either proper landscaping or by being contained within an enclosure consistent with the architecture of the main building.
- **Roof mounted:** Mechanical vents protruding through the roof and similar features shall be painted so as to match the color of the roof. Exposed metal flashing or trim shall be anodized or painted to blend with the exterior colors of the building. Roof mounted mechanical shall be screened from public view from any street abutting the property by a screen wall enclosure consistent in appearance with the architectural treatment of the main building.
 - **Ground mechanical equipment and utilities:** Ground mounted equipment and utilities shall be placed and installed in such a way to have the least impact on adjoining properties and shall be screened from public view with a combination of evergreen and deciduous bushes and trees, with a minimum of five (5) foot depth continuous around utility, these shall be irrigated with landscaping fabric and ground cover, or, to be contained within an enclosure consistent with the architecture of the main building.
- f. **Parking and Street Access:** Site development and uses shall conform to parking provisions set forth in Figure 1, Chapters 1 and 22 of Title 10, Planning & Zoning and ANSI accessibility codes. In addition, the following standards shall apply.
- The location of the western most access shall be positioned so there is 250 feet between the centerline of access and the centerline of Stanley Creek Drive.
 - Parking lots should be located to the side or rear of the primary or front building façade. Where geographic conflicts with this intent occur, landscaping should be used to buffer the visual impact of the parking area.
 - A maximum of twenty (20) percent of parking spaces required shall be allowed in front of the building, a maximum of eighty (80) percent to the side of building, and a minimum of twenty (20) percent to the rear of the building.
 - Large expanses of parking are highly discouraged and should instead be designed as smaller modules, separated by vegetation.
 - No single parking lot shall contain over 70 parking spaces without at least a ten (10) foot wide vegetated break separating the parking area into two lots being emplaced.

- Newly constructed parking lots with thirty (30) or more parking spaces therein shall have perimeter vegetation designed to screen the lot from the view from adjacent streets and buildings.
- g. **Pedestrian Pathways:** An internal pedestrian pathway shall be located at the northwesterly corner of the site and connect via a bridge across the Wilson Drain to the greenbelt located on the north side of the Wilson Drain.
- The proposed foot bridge over Wilson Drain will require approvals through the Nampa and Meridian Irrigation district, and will be the responsibility of the Owner/Developer and not the City.
- 3) **Lighting Standards:**
- a. All exterior structure lighting shall be shielded, screened, and/or shuttered with ninety (90) degree cutoff luminaries and shall be otherwise directed so as to prevent illumination of adjoining properties, particularly when located adjoining or across the street from residentially used or zoned properties.
- The height of a freestanding light fixture (e.g. in a parking lot area) shall not exceed twenty five (25) feet or the height of the principal permitted structure, whichever is less.
 - Parking area lights shall use ninety (90) degree cutoff luminaries (“down lighting”).
 - Building mounted lights shall not be higher than twenty five (25) feet from ground level.
 - Electrical feeds to outdoor light fixtures shall be placed underground, not overhead.
 - All lights on site shall be consistent in style, design, height, size and color.
 - Lighting to highlight or illuminate architecture and signs shall be attractive without significant spillage of light upward or downward.
 - Pedestrian circulation routes shall be illuminated.
 - Floodlights shall not be allowed.
 - Metal halide bulbs shall not be used.
- 4) **Fencing/Screening:** The Owner/Developer shall contact each property owner on the westerly property line, offer to remove their fence without charge and replace with a six (6) foot beige colored solid vinyl fence on the property line.
- 5) **Trash Receptacles:** Trash receptacles shall be screened on three (3) sides and sided with material identical to the buildings. ADA access shall be provided at the trash enclosures.

- 6) Signs used on the Property shall comply with all of the underlying provisions of the City Sign Code for the applicable (RP) zone. In addition, directional signage on the side of the buildings shall be installed to meet Fire Department requirements. The monument sign will be two sided, mounted on the ground in the landscape median with external lighting.
- 7) Landscaping: The following landscape standards (in addition to those listed in Title 10, Chapters 22 and 33) shall apply to new building construction:
- a. Location(s) and quantity of Landscaping Required:
- General Location Requirement: Landscaping shall be emplaced on a site wherever a structure, pedestrian pathway or parking lot is not located.
 - Arrangement: Landscaping shall be arranged in a natural pattern designed by a landscape architect and shall serve to highlight building entrances and pedestrian plazas without encroaching into public right-of-way so as to impede pedestrian and vehicular views or intruding into required vision triangles.
 - Around building Exteriors: Shrubs and flower beds shall be required around any new building's exterior. They are also required in the front yard of the development to enhance the appearance of a building when viewed from a right-of-way that abuts the development site.
 - Screening: Needled evergreens may be used to help screen mechanical equipment and service areas.
 - Growth Coverage: Plants used in landscaping around a building or on a development site shall be selected to complement the scale of the development area and any building(s) thereon.
- b. Landscaping Components Requirements:
- Composition of added plants selected (aside from what is required by title 10, Chapter 33 for a landscape strip along an arterial or collector street) shall be comprised of at least 50 percent flowering trees.
 - Landscaping shall be designed so that fifty (50) percent coverage of the site occurs after the first (1) year and ninety (90) percent coverage occurs after five (5) years.
- c. Storm Water Retention: Planter areas may be used to absorb on-site storm water in accordance with City storm water regulations.

4. **Exhibit "D".** Exhibit D to the Agreement is hereby amended as portrayed in Exhibit "D" attached hereto and made a part of this Development Agreement amendment (hereinafter the "Property").

5. **Continued Effectiveness of Terms of Agreement.** Except as provided in this Amendment, the terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to Development Agreement to be executed as of the Effective Date specified above.

CITY:

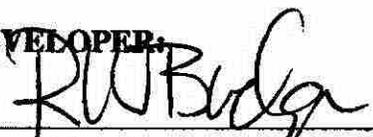
**City of Nampa,
A municipal corporation**

By _____
Tom Dale, Mayor

Attest:

By _____
City Clerk

DEVELOPER:



Owner/Developer RICHARD W. BUDGE

THOMAS DEVELOPMENT CO.

By _____


Thomas C. Mannschreck, President

STATE OF IDAHO)
Ada) ss.
County of Canyon)

On this ____ day of October, in the year of 2009, before me,
a Notary Public, personally appeared Thomas C. Mannschreck known or
identified to me, to be President, of Thomas Development Co the person
Whose name is subscribed to the within and foregoing instrument and acknowledged to me that
Be executed the same for and on behalf of Thomas Development Co.

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

Claire Casazza

Notary Public for State of Idaho
Residing at Boise, Idaho
Commission Expires: 3-13-2015



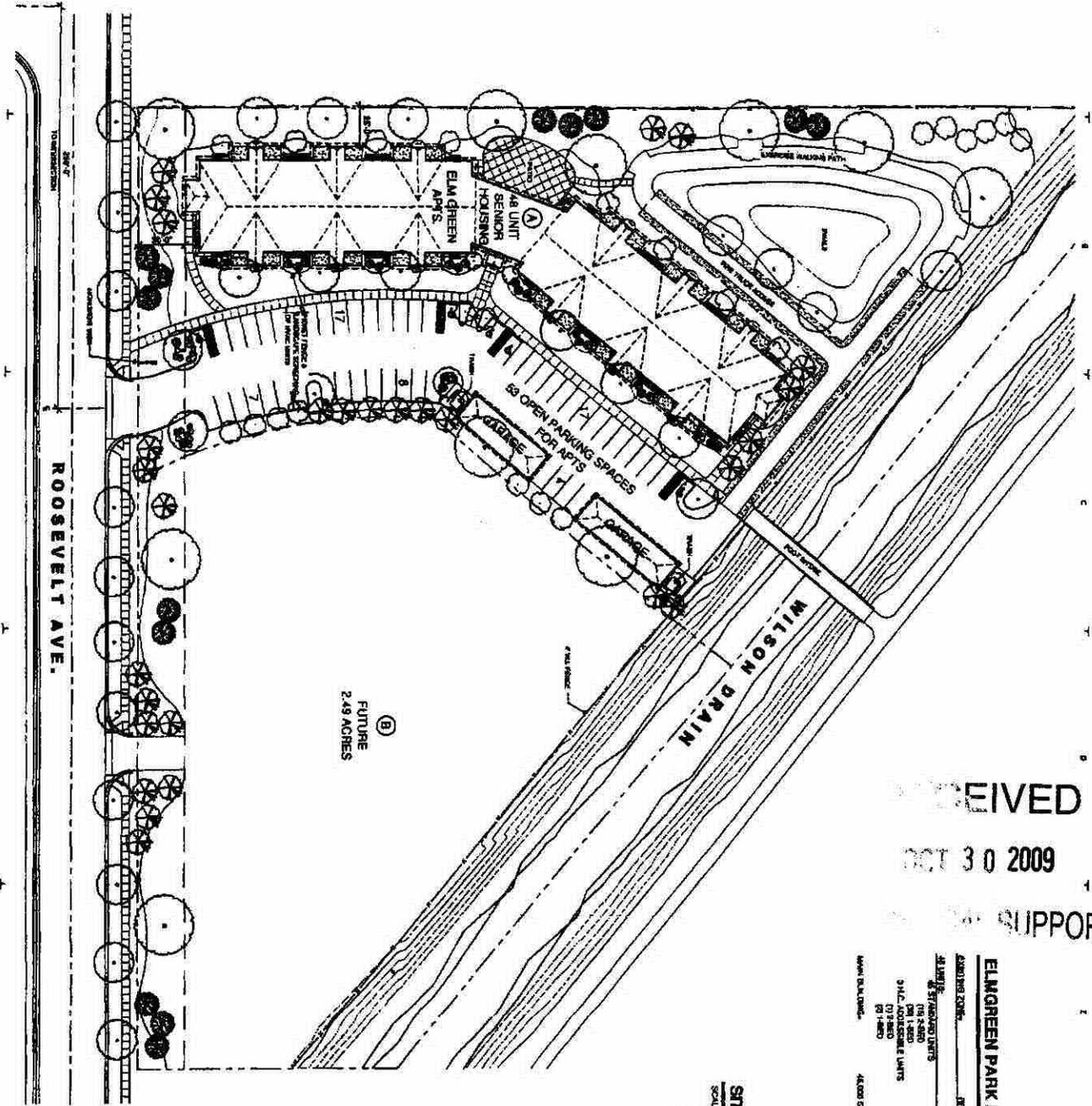
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EXHIBIT 'B'
CONCEPTUAL PLAN

RECORDER SCAN

EXHIBIT "B"

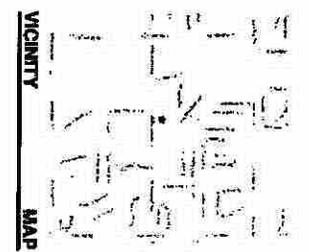
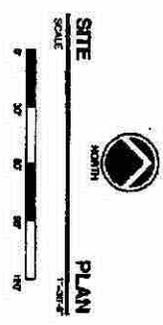
ELMGREEN PARK 48 UNIT SENIOR HOUSING DEVELOPMENT
CONCEPT PLAN



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SUPPORT

ELMGREEN PARK PROJECT SITE INFORMATION

ADJACENT ZONE:	RT	APPLICABLE ZONING:	R-1
AS LINED:	AS SPECIFIED LIMITS	CHAL. ASSESSMENT LIMITS:	CH 1-1800 CH 1-1800 CH 1-1800
ADJACENT ZONE:	RT	ADJACENT ZONE:	RT
ADJACENT ZONE:	RT	ADJACENT ZONE:	RT
ADJACENT ZONE:	RT	ADJACENT ZONE:	RT



<p>A-0.1</p>	<p>Glancy • Rockwell & Associates Architects • Planning 595 S Americana Boulevard Boise, Idaho 83703 (208) 345-6566 (208) 345-1718 Fax (208) 387-0689 office@grbolsa.com</p>	<p>ELMGREEN PARK SENIOR APARTMENTS ROOSEVELT AVE NAMPA, IDAHO</p>	<p>DATE: 10/20/09</p>
			<p>SCALE: 1" = 20'</p>

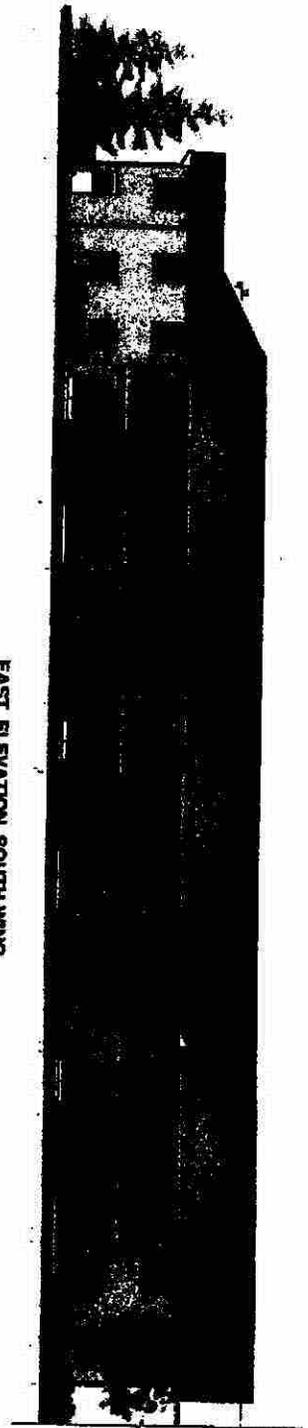
EXHIBIT 'D'
BUILDING ELEVATIONS
CONCEPTUAL PLANS

RECORDER SCAN

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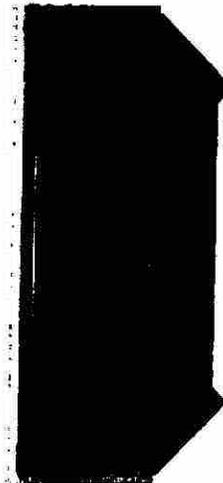
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EAST ELEVATION SOUTH WING
SCALE EAST ELEVATION NORTH WING - APPROVED 1/21/17



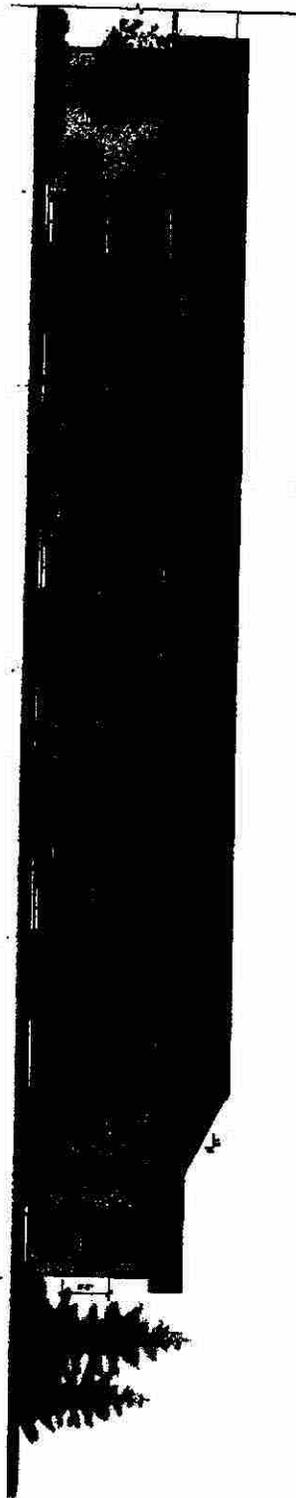
EAST ELEVATION NORTH WING
SCALE EAST ELEVATION NORTH WING - APPROVED 1/21/17



WEST ELEVATION NORTH WING
SCALE WEST ELEVATION NORTH WING - APPROVED 1/21/17



END ELEVATION SOUTH WING
SCALE END ELEVATION NORTH WING - APPROVED 1/21/17



WEST ELEVATION SOUTH WING
SCALE WEST ELEVATION NORTH WING - APPROVED 1/21/17

<p>A-2.1</p>	<p>Glancey Rockwell & Associates Architecture • Planning 593 S Americana Boulevard, Boise, Idaho 83702 (208) 345-0566 (208) 345-1718 Fax (208) 367-0889 office@grba.com</p>	<p>ELMGREEN PARK SENIOR APARTMENTS ROOSEVELT AVE NAMPA, IDAHO</p>	<table border="1"> <tr> <td>DATE</td> <td>REVISION</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	REVISION								
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