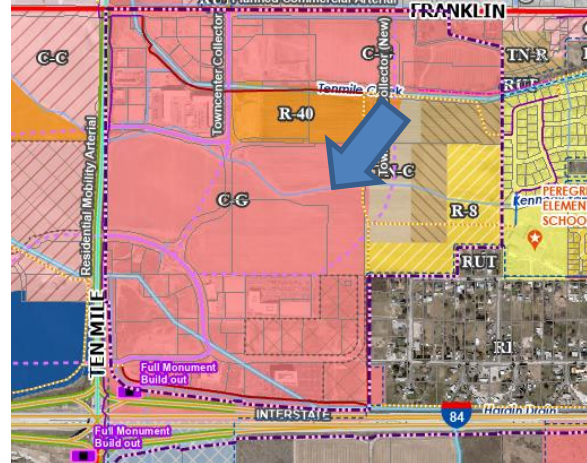


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



DATE: 8/16/2022
TO: City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: FP-2022-0021
TM Center East No. 1
PROPERTY LOCATION:
700 S. Wayfinder Ave., in the NW ¼ of
Section 14, T.3N., R.1W.



I. PROJECT DESCRIPTION

Final plat consisting of four (4) building lots on 21.73 acres of land in the C-G zoning district for TM Center East No. 1.

Note: The proposed final plat is actually the fifth phase of the TM Center Subdivision preliminary plat (H-2020-0074). [TM Creek No. 5 (1st phase FP-2021-0027); TM Crossing No. 5 (2nd phase FP-2021-0045); TM Frontline (3rd phase FP-2021-0047); and TM Center Sub. 1 (4th phase FP-2022-0009).]

II. APPLICANT INFORMATION

A. Applicant

Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

B. Owner:

Robert Phillips, DWT Investments, LLC – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat (H-2020-0074) as required by UDC 11-6B-3C.2. The proposed final plat depicts fewer buildable lots than shown on the approved preliminary plat. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary as required by UDC 11-6B-3C.

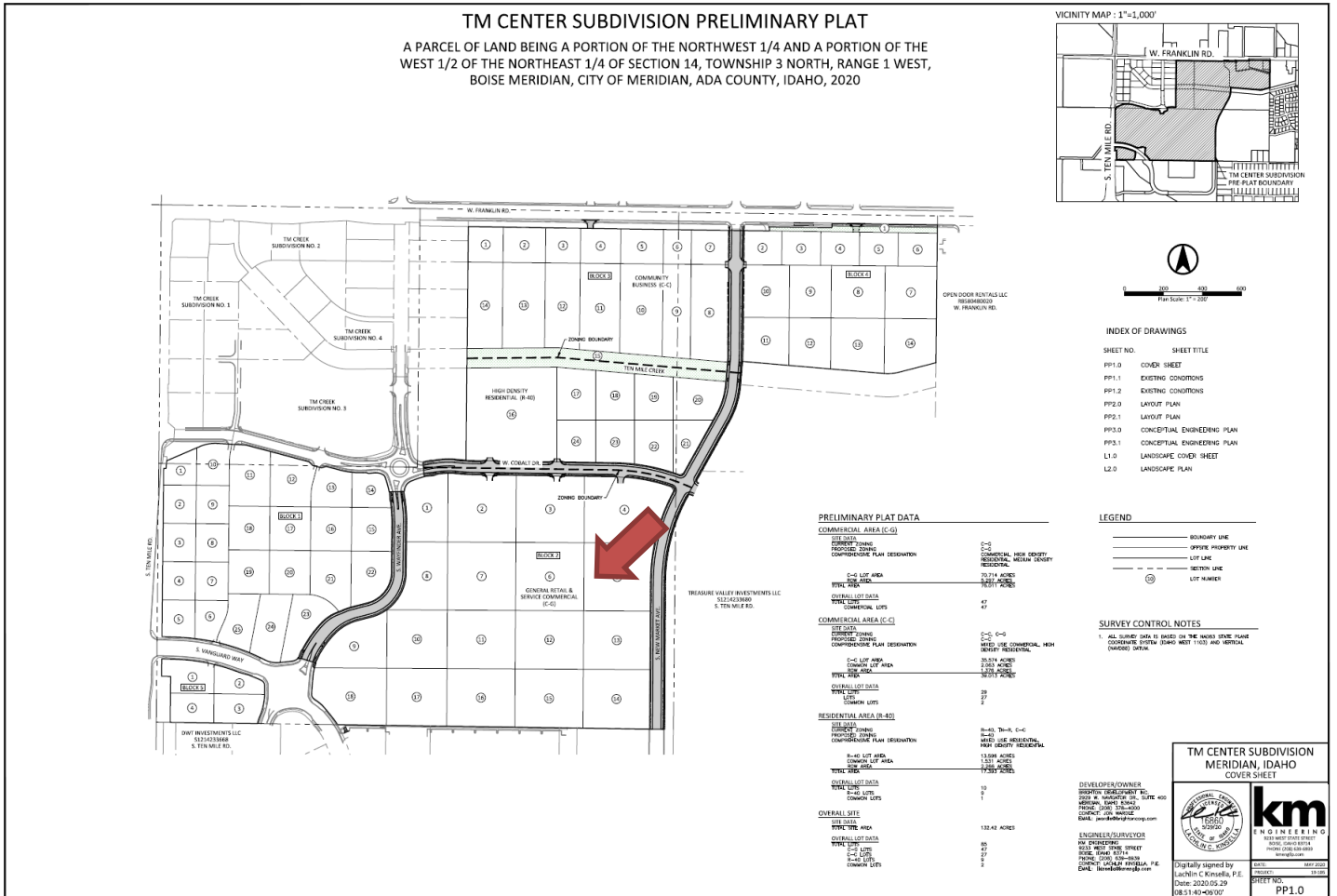
IV. DECISION

A. Staff:

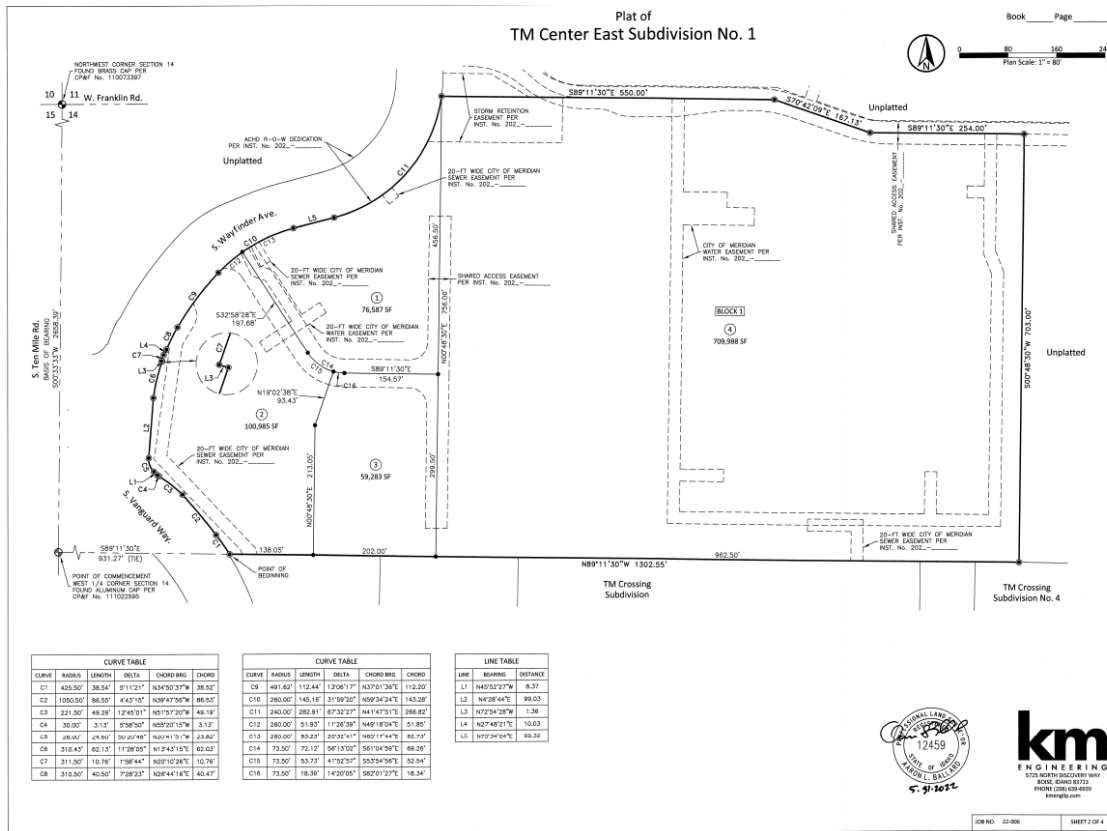
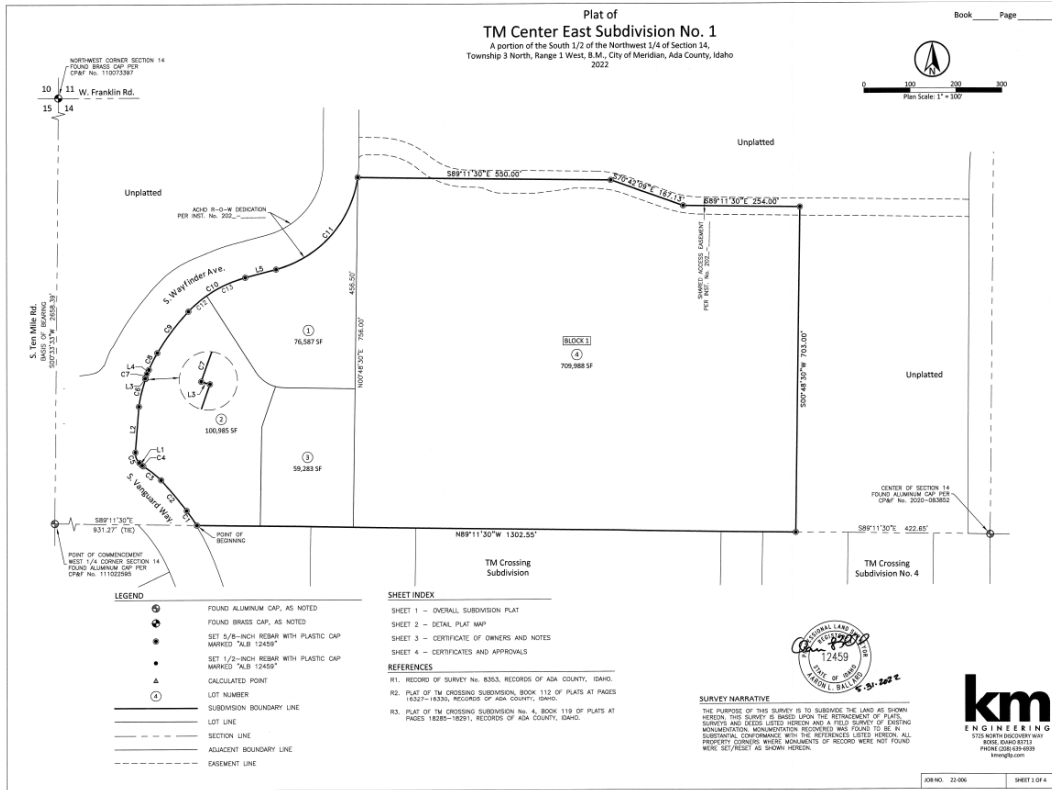
Staff recommends approval of the proposed final plat with the conditions of approval in Section VII of this report.

V. EXHIBITS

A. Preliminary Plat (dated: May 29, 2020)



B. Final Plat (dated: 5/31/22)



**Plat of
TM Center East Subdivision No. 1**

Book _____ Page _____

CERTIFICATE OF OWNERS

KNOW ALL MEN/WOMEN BY THESE PRESENTS THAT THE UNDERSIGNED IS THE OWNER OF THE REAL PROPERTY HEREAFTER DESCRIBED.

A PARCEL OF LAND BEING A PORTION OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, B.M., CITY OF MERIDIAN, ADA COUNTY, IDAHO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ALUMINUM CAP MARKING THE WEST 1/4 CORNER OF SAID SECTION 14, WHICH BEARS S00°33'33"W A DISTANCE OF 2628.39 FEET FROM A BRASS CAP MARKING THE NORTHWEST CORNER OF SAID SECTION 14, THENCE FOLLOWING THE SOUTHERLY LINE OF SAID SOUTH 1/2 OF THE NORTHWEST 1/4, S89°11'30"E A DISTANCE OF 831.27 FEET TO A SET 5/8-INCH REBAR ON THE EASTERLY RIGHT-OF-WAY LINE OF S. VANGLARD WAY AND BEING THE POINT OF BEGINNING.

THENCE FOLLOWING SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING NINE (9) COURSES:

1. 38.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 425.50 FEET, A DELTA ANGLE OF 05°11'21", A CHORD BEARING OF N34°50'37"W AND A CHORD DISTANCE OF 38.52 FEET TO A SET 5/8-INCH REBAR;
2. 85.50 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,050.50 FEET, A DELTA ANGLE OF 04°41'15", A CHORD BEARING OF N39°47'56"W AND A CHORD DISTANCE OF 86.53 FEET TO A SET 5/8-INCH REBAR;
3. 49.29 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 221.50 FEET, A DELTA ANGLE OF 12°45'01", A CHORD BEARING OF N51°57'20"W AND A CHORD DISTANCE OF 49.19 FEET TO A SET 5/8-INCH REBAR;
4. 3.13 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A DELTA ANGLE OF 05°38'50", A CHORD BEARING OF N55°20'15"W AND A CHORD DISTANCE OF 3.13 FEET TO A SET 5/8-INCH REBAR;
5. 45°52'27"W A DISTANCE OF 8.37 FEET TO A SET 5/8-INCH REBAR;
6. 24.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 28.00 FEET, A DELTA ANGLE OF 50°20'48", A CHORD BEARING OF N02°41'51"W AND A CHORD DISTANCE OF 23.82 FEET TO A SET 5/8-INCH REBAR;
7. N02°41'51"W A DISTANCE OF 99.03 FEET TO A SET 5/8-INCH REBAR;
8. 82.13 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 310.43 FEET, A DELTA ANGLE OF 11°28'05", A CHORD BEARING OF N13°42'19"E AND A CHORD DISTANCE OF 82.03 FEET TO A SET 5/8-INCH REBAR;
9. N47°25'28"W A DISTANCE OF 1.36 FEET TO A SET 5/8-INCH REBAR ON THE EASTERLY RIGHT-OF-WAY LINE OF S. WAYTINDER AVE.

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SAID S. VANGLARD WAY AND FOLLOWING THE EASTERLY RIGHT-OF-WAY LINE OF SAID S. WAYTINDER AVE. THE FOLLOWING SEVEN (7) COURSES:

1. 10.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 311.50 FEET, A DELTA ANGLE OF 07°58'44", A CHORD BEARING OF N26°12'26"E AND A CHORD DISTANCE OF 10.76 FEET TO A SET 5/8-INCH REBAR;
2. N26°12'26"E A DISTANCE OF 10.03 FEET TO A SET 5/8-INCH REBAR;
3. 40.50 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 310.50 FEET, A DELTA ANGLE OF 07°28'23", A CHORD BEARING OF N26°44'16"E AND A CHORD DISTANCE OF 40.47 FEET TO A SET 5/8-INCH REBAR;
4. 112.44 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 491.82 FEET, A DELTA ANGLE OF 13°05'17", A CHORD BEARING OF N37°01'36"E AND A CHORD DISTANCE OF 112.20 FEET TO A SET 5/8-INCH REBAR;
5. 145.16 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 260.00 FEET, A DELTA ANGLE OF 31°59'20", A CHORD BEARING OF N05°34'24"E AND A CHORD DISTANCE OF 143.26 FEET TO A SET 5/8-INCH REBAR;
6. N75°34'24"E A DISTANCE OF 69.32 FEET TO A SET 5/8-INCH REBAR;
7. 282.81 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 240.00 FEET, A DELTA ANGLE OF 87°32'27", A CHORD BEARING OF N41°42'51"E AND A CHORD DISTANCE OF 266.82 FEET TO A SET 5/8-INCH REBAR;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, S89°11'30"E A DISTANCE OF 550.00 FEET TO A SET 5/8-INCH REBAR;

THENCE S70°42'09"E A DISTANCE OF 167.13 FEET TO A SET 5/8-INCH REBAR;

THENCE S89°11'30"E A DISTANCE OF 254.00 FEET TO A SET 5/8-INCH REBAR;

THENCE S00°48'30"W A DISTANCE OF 753.00 FEET TO A SET 5/8-INCH REBAR ON THE SOUTHERLY LINE OF SAID SOUTH 1/2 OF THE NORTHWEST 1/4;

THENCE FOLLOWING SAID SOUTHERLY LINE, N89°11'30"W A DISTANCE OF 1,302.55 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A TOTAL OF 21.737 ACRES, MORE OR LESS.

IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE SAID LAND IN THIS PLAT. THE EASEMENTS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS SHOWN ON THIS PLAT. NO STRUCTURES OTHER THAN FOR SUCH UTILITIES AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERRECTED WITHIN THE LIMITS OF SAID EASEMENTS UNLESS NOTED OTHERWISE ON THIS PLAT. THE UNDERSIGNED, BY THESE PRESENTS, DEDICATES TO THE PUBLIC ALL PUBLIC STREETS AS SHOWN ON THIS PLAT. ALL LOTS WITHIN THIS PLAT WILL RECEIVE WATER SERVICE FROM THE CITY OF MERIDIAN AND SAID CITY HAS AGREED IN WRITING TO SERVE ALL OF THESE LOTS.

ROBERT L. PHILLIPS, PRESIDENT
BRIGHTON CORPORATION, AN IDAHO CORPORATION AND MANAGER OF
DWT INVESTMENTS, L.L.C., AN IDAHO LIMITED LIABILITY COMPANY,
AS TENANT-IN-COMMON OWNER OF LOTS 1, 2 AND 3, BLOCK 1

ERIC M. ISOM, CHIEF OPERATIONS OFFICER
BY MANAGEMENT SERVICES, INC., AND MANAGER OF
BVB TEN MILE CROSSING ANNEX, L.L.C., AN IDAHO LIMITED LIABILITY COMPANY,
AS TENANT-IN-COMMON OWNER OF LOTS 1, 2 AND 3, BLOCK 1

MICHAEL A. HALL, PRESIDENT
SOS INVESTMENTS, L.L.C., AN IDAHO LIMITED LIABILITY COMPANY,
AS TENANT-IN-COMMON OWNER OF LOTS 1, 2 AND 3, BLOCK 1

SHEELS ALL SPORTS, INC., A NORTH DAKOTA CORPORATION,
AS OWNER OF LOT 4, BLOCK 1

ACKNOWLEDGMENT

STATE OF IDAHO }
ADA COUNTY } SS
THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON _____, 2022, BY ROBERT L. PHILLIPS, AS PRESIDENT OF BRIGHTON CORPORATION, MANAGER OF DWT INVESTMENTS, L.L.C.

SIGNATURE OF NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT

STATE OF IDAHO }
ADA COUNTY } SS
THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON _____, 2022, BY MICHAEL A. HALL, AS PRESIDENT OF SOS INVESTMENTS, L.L.C.

SIGNATURE OF NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT

STATE OF IDAHO }
ADA COUNTY } SS
THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON _____, 2022, BY ERIC M. ISOM, AS CHIEF OPERATIONS OFFICER OF BY MANAGEMENT SERVICES, INC., MANAGER OF BVB TEN MILE CROSSING ANNEX, L.L.C.

SIGNATURE OF NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } SS
THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON _____, 2022, BY _____, AS _____ OF SHEELS ALL SPORTS, INC.

SIGNATURE OF NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

NOTES

1. MINIMUM BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN AT THE TIME OF RESUBDIVISION.
2. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE BUILDING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF RESUBDIVISION.
3. IRRIGATION WATER HAS BEEN PROVIDED FROM Nampa Meridian Irrigation District in compliance with Idaho Code Section 31-3805(1)(b). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE Nampa & Meridian Irrigation District.
4. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
5. ALL LOT LINES COMMON TO THE PUBLIC RIGHTS-OF-WAY CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, CITY OF MERIDIAN STREET LIGHTS AND PROPERTY IRRIGATION. PROPERTY IRRIGATION EASEMENTS ARE RESERVED FOR THE OPERATOR, OR ASSIGNS.
6. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF MERIDIAN.
7. THE LOTS WITHIN THIS SUBDIVISION, INCLUDING BUILDING AND OCCUPANCY, ARE SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS THAT ARE FILED FOR RECORD AS INSTRUMENT NO. 2022-____ OF ADA COUNTY RECORDS AND MAY BE AMENDED FROM TIME TO TIME.
8. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION.
9. DIRECT LOT OR PARCEL ACCESS TO S. VANGLARD WAY AND S. WAYTINDER AVE. IS PROHIBITED EXCEPT FOR THOSE ACCESS POINTS APPROVED BY THE CITY OF MERIDIAN AND ADA COUNTY HIGHWAY DISTRICT.
10. THE PRESSURE IRRIGATION SYSTEM WITHIN THIS DEVELOPMENT SHALL BE MAINTAINED BY THE OPERATOR.

CERTIFICATE OF SURVEYOR

I, AARON L. BALLARD, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT OF TM CENTER EAST SUBDIVISION NO. 1 AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" AND AS SHOWN ON THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

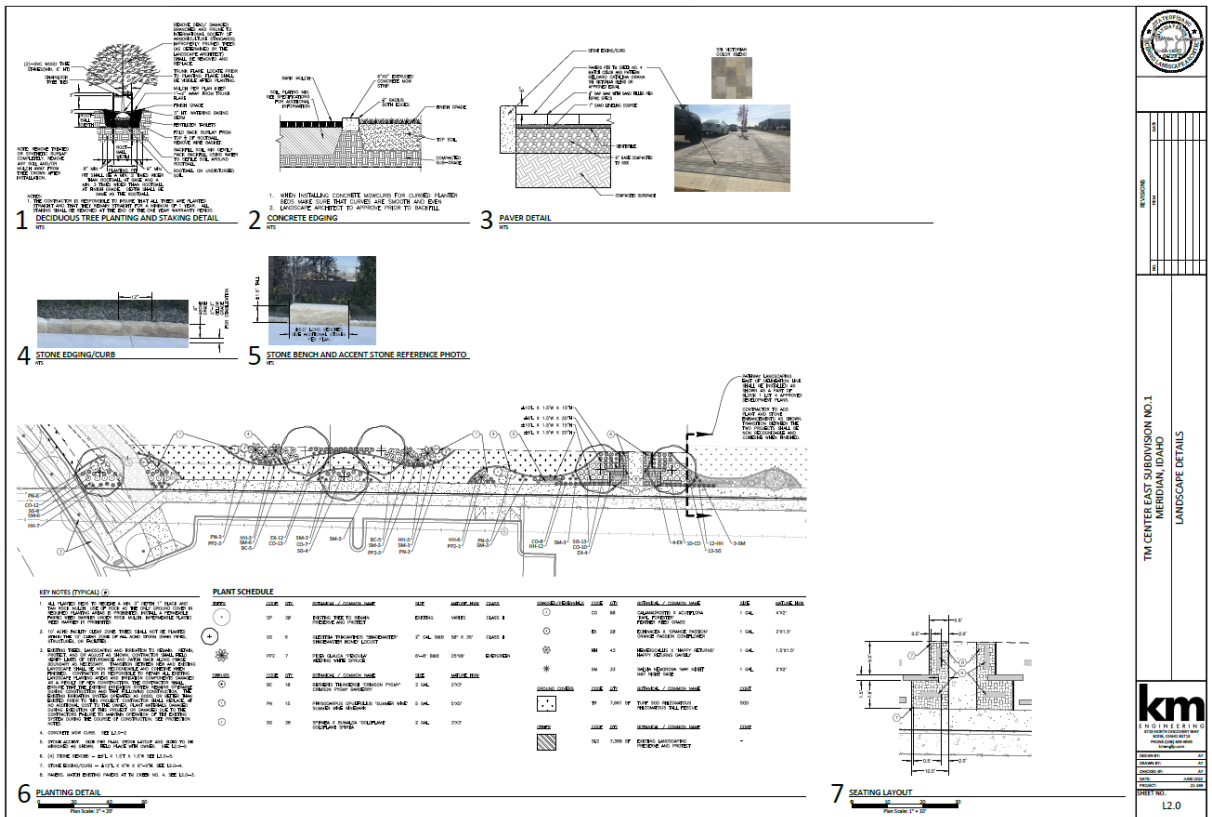
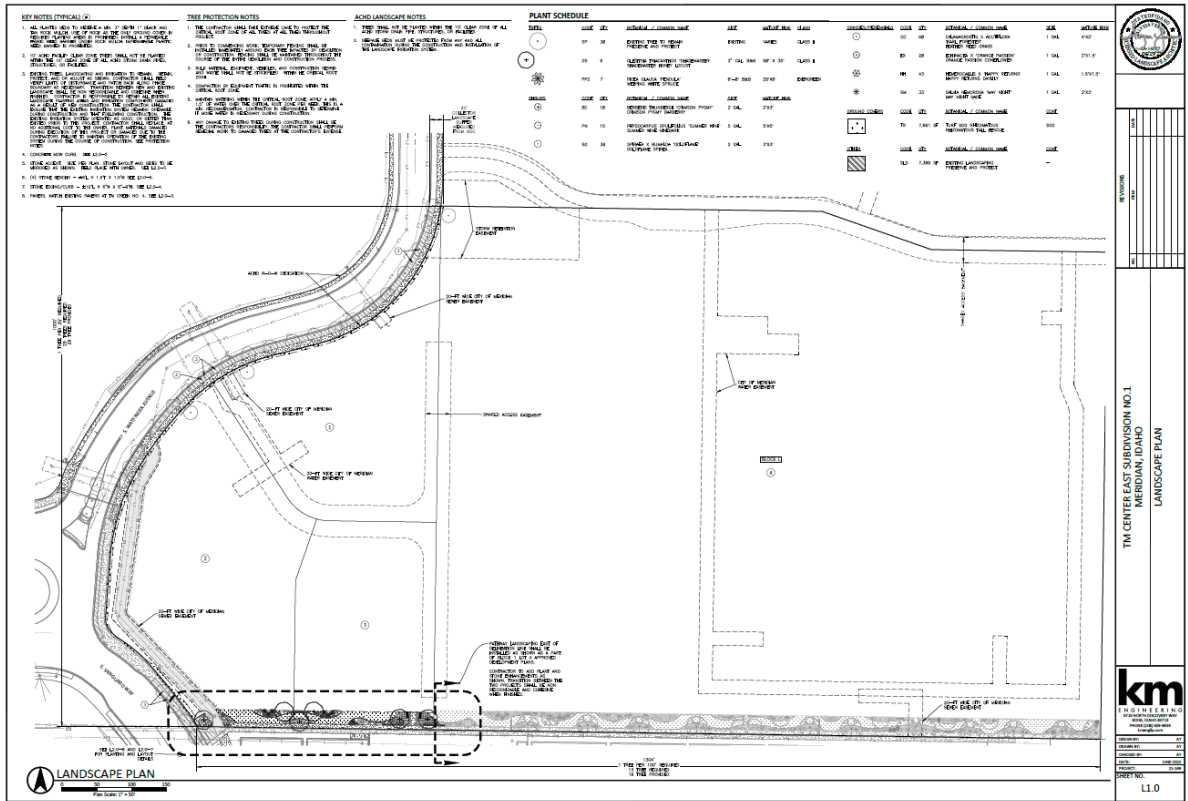


AARON L. BALLARD, P.L.S. 12459



JOB NO. 22-006 SHEET 3 OF 4

C. Landscape Plan (dated: 6/17/22)



VI. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. Applicant shall comply with all previous conditions of approval associated with this development [TM Center H-2020-0074, DA Inst. #2021-089157].
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years of the City Engineer's signature on the previous phase final plat, *or* apply for a time extension, in accord with UDC 11-6B-7.
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. The final plat prepared by KM Engineering, stamped on 5/31/22 by Aaron L. Ballard, included in Exhibit B shall be revised as follows:
 - a. Include the recorded instrument numbers for the City water and sewer, shared access, and storm retention easements graphically depicted on the face of the plat.
 - b. Include the recorded instrument number of the ACHD ROW dedication on the face of Sheets 1 and 2 of the plat, as applicable.
 - c. Note #7: Include the recorded instrument number of the CC&R's.
 - d. Graphically depict minimum 20-foot wide permanent dedicated street buffers along S. Wayfinder Ave. and S. Vanguard Way, collector streets, measured from back of curb. Include a note stating the buffers will be maintained by the property owner or business owner's association, as applicable.
5. The landscape plan prepared by KM Engineering, dated 6/17/22 included in Exhibit C, shall be revised as follows:
 - a. Depict landscaping within the street buffer along S. Wayfinder Ave., and S. Vanguard Way per the standards listed in UDC [11-3B-7C.3a](#) – all required landscape buffers along streets shall be planted with trees and shrubs, lawn or other vegetative groundcover.
6. The subject property shall be subdivided prior to issuance of any Certificates of Occupancy for the site per requirement of the Development Agreement.
7. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

1. The bottom of structural footing shall be set a minimum of 12-inches above the highest established normal ground water elevation.
2. Maintenance of any irrigation and/or drainage pipes or ditches crossing a lot is the responsibility of the lot owner unless such responsibility is assumed by an irrigation/drainage entity or lot owner's association.

General Conditions:

3. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications. Sewer main extension is being constructed as part of application LDIR-2022-0031.
4. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works. Water main extension is being constructed as part of application LDIR-2022-0031
5. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
6. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
7. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat..
8. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211. Warranty surety will be required under application LDIR-2022-0031.
9. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have

been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.

16. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
17. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
18. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
19. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
20. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
21. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.