

BEFORE THE MERIDIAN CITY COUNCIL

**HEARING DATE: 3/8/2022
ORDER APPROVAL DATE: 3/22/2022**

**IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 33 BUILDING)
LOTS AND 5 COMMON LOTS ON)
10.85 ACRES OF LAND IN THE R-4)
ZONING DISTRICT FOR)
BILTMORE ESTATES NO. 4.)
)
**BY: ENGINEERING SOLUTIONS)
APPLICANT)**
_____)
)
)
)**

**CASE NO. FP-2022-0007

ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT**

This matter coming before the City Council on March 8, 2022 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

IT IS HEREBY ORDERED THAT:

1. The Final Plat of “PLAT SHOWING BILTMORE ESTATES SUBDIVISION NO. 4, A PARCEL OF LAND BEING A PORTION OF THE S ½ OF THE N ½ OF SECTION 25, T.3N., R.1W., B.M., CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2022, HANDWRITTEN DATE: 12/7/2022, by CLINTON W.

HANSEN, PLS, SHEET 1 OF 3,” is conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated March 8, 2022, a true and correct copy of which is attached hereto marked “Exhibit A” and by this reference incorporated herein.

2. The final plat upon which there is contained the certification and signature of the City Clerk and the City Engineer verifying that the plat meets the City’s requirements shall be signed only at such time as:
 - 2.1 The plat dimensions are approved by the City Engineer; and
 - 2.2 The City Engineer has verified that all off-site improvements are completed and/or the appropriate letter of credit or cash surety has been issued guaranteeing the completion of off-site and required on-site improvements.

NOTICE OF FINAL ACTION

AND RIGHT TO REGULATORY TAKINGS ANALYSIS

The Applicant is hereby notified that pursuant to Idaho Code § 67-8003, the Owner may request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.

Please take notice that this is a final action of the governing body of the City of Meridian, pursuant to Idaho Code § 67-6521. An affected person being a person who has an

interest in real property which may be adversely affected by this decision may, within twenty-eight (28) days after the date of this decision and order, seek a judicial review pursuant to Idaho Code § 67-52.

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

By:

Robert Simison
Mayor, City of Meridian

Attest:

Chris Johnson
City Clerk

Copy served upon the Applicant, Planning and Development Services Divisions of the Community Development Department and City Attorney.

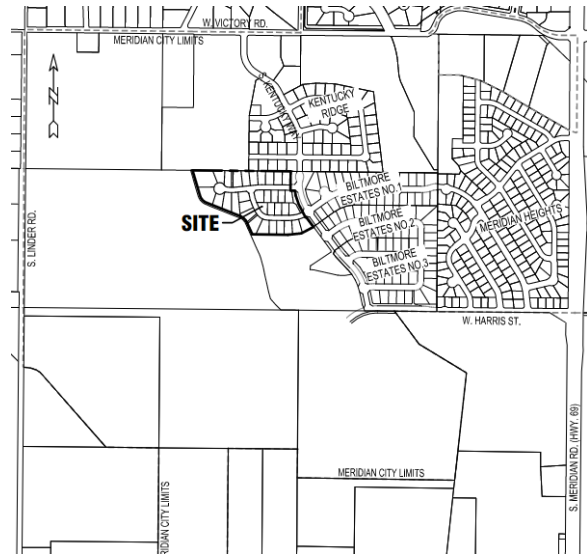
By: _____ Dated: _____

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 3/8/2022
TO: Mayor & City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: FP-2022-0007
Biltmore Estates No. 4
LOCATION: Generally located 1/4 mile south of W. Victory Rd. on the west side of S. Kentucky Way and a 1/2 mile west of S. Meridian Rd., in the north 1/2 of Section 25, T.3N., R.1W.



I. PROJECT DESCRIPTION

Final plat consisting of 33 building lots and 5 common lots on 10.85 acres of land in the R-4 zoning district for the fourth phase of Biltmore Estates Subdivision.

II. APPLICANT INFORMATION

A. Applicant:

Engineering Solutions – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

B. Owner:

Lee Centers, Biltmore Estates, LLC – PO Box 518, Meridian, ID 83680

C. Representative:

Becky McKay, Engineering Solutions – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat (PP-14-004), time extension (TECC-2021-0001) and associated conditions of approval as required by UDC 11-6B-3C.2. Conditions of approval associated with the time extension require an additional 2.35-acres of common open space and site amenities totaling (4) points to be provided in the last two phases of development (i.e. Phases 4 and 5). The Applicant proposes 8-foot wide parkways throughout this phase and future phase 5 and additional open space through the removal of a building lot; a pickleball court is also planned which counts as (4) points and meets the amenity requirement.

There is one (1) fewer buildable lot in Block 7 and more common open space depicted on the proposed final plat than shown on the approved preliminary plat. **The remaining open space and site amenity points required with the time extension will be provided in the next and final phase of development. An exhibit should be submitted with that application demonstrating compliance with the conditions of approval associated with TECC-2021-0001.**

Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

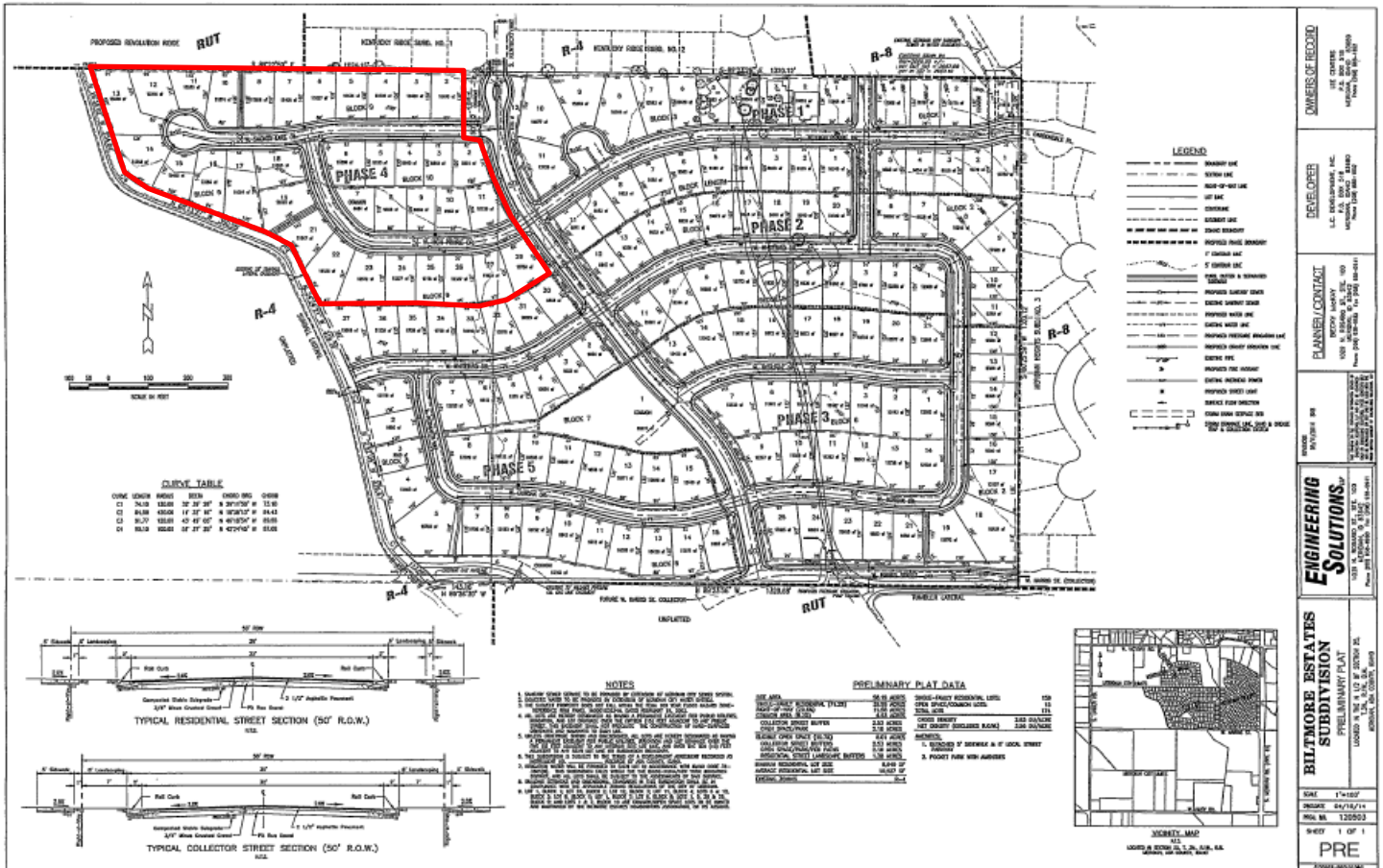
IV. DECISION

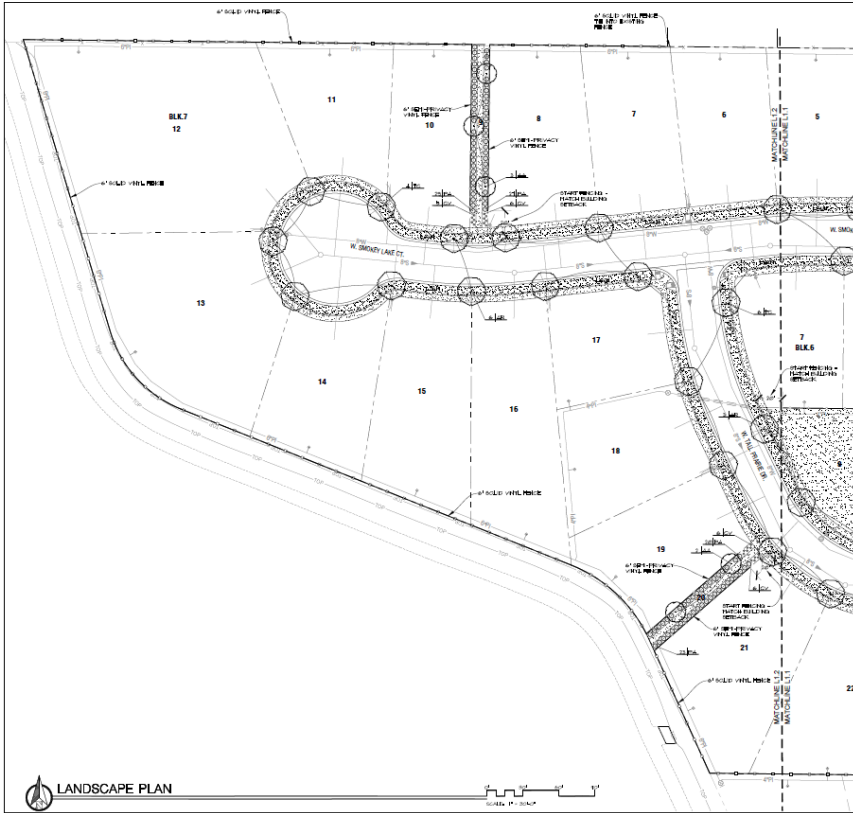
A. Staff:

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

V. EXHIBITS

A. Preliminary Plat (date: 4/15/2014) - Revised





- LEGEND:**
- INTERSECTED LAND AREA - DRAFT
 - 6" VINYL PRIVACY PENCE
 - 6" VINYL SEMI-PRIVACY PENCE

GENERAL LANDSCAPE NOTES

- PLANTINGS SHALL BE PLANTED WITHIN THE FOOT CURE TIME OF ALL HARD SURFACES AND FINISHES OF ALL UTILITIES.
- SEE SHEET L1.0 FOR OVERALL LANDSCAPE L1.1 - L1.2 FOR DETAILED LANDSCAPE PLANS, LANDSCAPE NOTES, AND PLANTING DETAILS.
- SEE SHEET L2.0 FOR PLANT LIST.

SEE SHEET L1.0 FOR OVERALL LANDSCAPE L1.1 - L1.2 FOR DETAILED LANDSCAPE PLANS, LANDSCAPE NOTES, AND PLANTING DETAILS.

OWNER OF RECORD	DEVELOPER	PLANNER/CONTRACT	DATE
BILTMORE ESTATES SUBDIVISION - PHASE 4
PROJECT NO.	DATE	SCALE	PROJECT NO.
...

LANDSCAPE PLAN

PLANT SCHEDULE

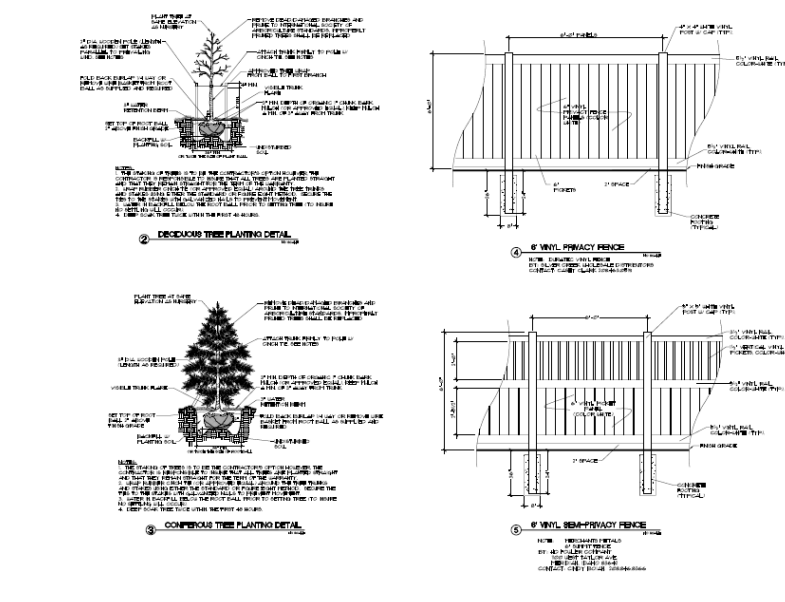
NO.	SYMBOL	PLANT NAME	HEIGHT	SPACING	CLASS
1
2



OWNER OF RECORD	DEVELOPER	PLANNER/CONTRACT	DATE
BILTMORE ESTATES SUBDIVISION - PHASE 4
PROJECT NO.	DATE	SCALE	PROJECT NO.
...

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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 [AZ-13-014 (Ord. #14-1594) – Victory South; PP-14-0004, Development Agreement Inst. #[114052420](#) – Biltmore Estates; A-2019-0366; TECC-2021-0001).
2. The applicant shall obtain the City Engineer’s signature on the final plat by December 18, 2023 as approved with the most recent time extension (TECC-2021-0001); or, a time extension may be requested.
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 shown in Section V.B prepared by Engineering Solutions, LLP, stamped on 2/7/2022 by Clinton W. Hansen, shall be revised as follows:
 - a. Note #10: Correct the recorded instrument number for the development agreement; it should be Inst. #114052420.
 - b. Note #12: Include the recorded instrument number of the ACHD License Agreement.
 - c. Include the recorded instrument number of the ACHD permanent sidewalk easement in the Legend.

Note: A condition of the preliminary plat required an easement for a water main to be provided through Lot 9, Block 7; however, Public Works no longer needs the easement to be provided.

An electronic copy of the revised plat shall be submitted with the final plat for City Engineer signature.

5. The landscape plan shown in Section V.C, dated 2/7/20, shall be revised as follows:
 - a. The total linear feet of parkways (excluding 26’ for each driveway) shall be included in the calculations table along with the required vs. proposed number of trees.

An electronic copy of the revised plat shall be submitted with the final plat for City Engineer signature.

6. All development shall comply with the dimensional standards for the R-4 zoning districts listed in UDC [Table 11-2A-5](#). *In the case where a wider easement exists, a greater setback may be required (i.e. a 16-foot wide PUDI easement is depicted on the plat adjacent to any public street).*
7. The rear and/or sides of homes on lots that face or back up to S. Kentucky Way (**i.e. Lot 2, Block 7; Lots 3 & 12, Block 6; and Lot 27, Block 7**) shall incorporate articulation through changes in materials, color, modulation, and architectural elements (horizontal and vertical) to break up monotonous wall planes and roof lines.
8. Submit a copy of the Ada County Street Name Review letter for the final plat with the final plat submittal for City Engineer signature.
9. Install “No Parking Fire Lane” signs in the cul-de-sac per requirement of the Fire Department in accord with ACHD standards. The bottom of the sign(s) should be 7-feet above the road/sidewalk surface and shall not be in the travel way. The sign(s) shall be installed about 6-inches to 1-foot behind the curbing or edge of pavement on a Telspar post. No other signs shall be approved:

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

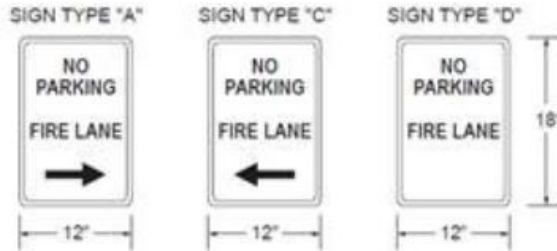


FIGURE D103.6
FIRE LANE SIGNS

10. All ditches are required to be piped in accord with UDC 11-3A-6A unless waived by City Council or used as a water amenity or linear open space.
11. This phase shall comply with the most recently adopted Public Works standards and specifications as required with the most recent time extension (TECC-2021-0001).
12. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster, Sue Prescott, at 887-1620 for more information.
13. 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. A streetlight plan has not been approved. Streetlights must be installed and operational, with approved record drawings submitted, prior to occupancy of any building within the development.
2. Where possible use pipe fittings instead of deflection angles on water main.

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.
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.

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 with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. 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.
9. 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.
10. 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.
11. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
12. 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.
13. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
14. Developer shall coordinate mailbox locations with the Meridian Post Office.
15. All grading of the site shall be performed in conformance with MCC 11-1-4B.
16. 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.
17. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
18. 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.

19. 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.
20. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
21. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. **DO NOT RECORD.** Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
22. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
23. 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.
24. 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.
25. 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.
26. 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.