

BEFORE THE MERIDIAN CITY COUNCIL

**HEARING DATE: AUGUST 27, 2024
ORDER APPROVAL DATE: SEPTEMBER 10, 2024**

**IN THE MATTER OF THE)
REQUEST FOR A TWO (2) YEAR)
TIME EXTENSION ON THE)
PRELIMINARY PLAT FOR)
MCKAY FARM SUBDIVISION IN)
ORDER TO OBTAIN THE CITY)
ENGINEER’S SIGNATURE ON)
THE FINAL PLAT, LOCATED IN)
THE NE ¼ OF SE ¼ OF SECTION)
32, T.3N., R.1E, MERIDIAN, IDAHO)
BY: SAM JOHNSON)
APPLICANT)**

**CASE NO. TECC-2024-0001
ORDER OF CONDITIONAL
APPROVAL OF TIME EXTENSION**

This matter coming on regularly before the City Council on September 10, 2024, upon the Applicant’s submittal of a preliminary plat time extension application for a two (2) year extension within which to obtain the City Engineer’s signature on a final plat for McKay Farm Subdivision, which preliminary plat was originally approved on June 23, 2020, as provided in Unified Development Code § 11-6B-7C, and good cause shown. An administrative time extension TED-2022-0002 for two (2) years was previously approved for this subdivision by the Planning Director on June 1, 2022 and would have otherwise expired on June 23, 2024.

IT IS HEREBY ORDERED THAT:

The above named Applicant is granted an additional two (2) year extended period of time, until June 23, 2026, within which to obtain the City Engineer’s signature on the

**ORDER OF CONDITIONAL APPROVAL OF TIME EXTENSION
FOR MCKAY FARM SUBDIVISION (TECC-2024-0001)**

final plat, subject to the conditions of approval as shown in the attached Staff Report for the hearing date of August 27, 2024 incorporated by reference.

Attached: Staff Report for the hearing date of August 27, 2024.

By the action of the City Council at its regular meeting on the _____ day of _____, 2024.

DATED this _____ day of _____, 2024

Mayor Robert E. Simison

Attest:

Chris Johnson, City Clerk

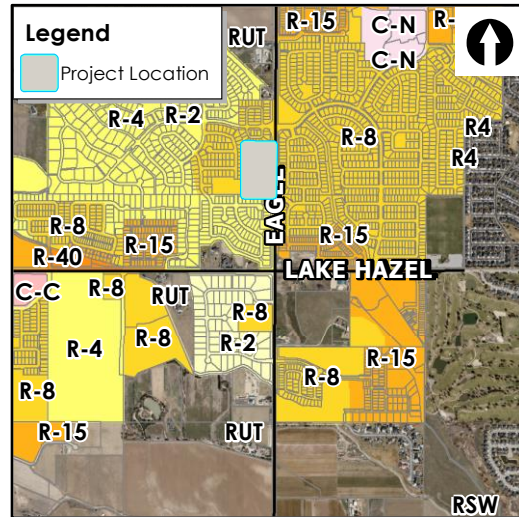
Copy served upon the Applicant, Planning Division, Public Works Department, and City Attorney.

BY: _____ Dated: _____

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 8/27/2024
 TO: Mayor & City Council
 FROM: Linda Ritter, Associate Planner
 208-884-5533
 SUBJECT: TECC-2024-0001
 McKay Farm Subdivision
 LOCATION: 5875 S. Eagle Road, on the west side of S. Eagle Road between E. Amity Road and E. Lake Hazel Road, in the NE ¼ of the SE ¼ of Section 32, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Request for a two-year time extension on the preliminary plat in order to obtain the City Engineer's signature on a final plat.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	10.5	
Existing/Proposed Zoning	R-8	
Future Land Use Designation	Medium Density Residential (MDR)	
Existing Land Use(s)	Residential and Agricultural	
Proposed Land Use(s)	Residential	
Neighborhood meeting date; # of attendees:	03/07/2024	
History (previous approvals)	H-2020-0030 (AZ, PP); DA Inst. #2020-095243; TED-2022-0002	

III. APPLICANT INFORMATION

A. Applicant:

Sam Johnson – Scentsy Inc, 2701 E. Pine Ave, Meridian, ID 83642

B. Owner:

Sam Johnson - HBU Investments LLC, 2701 E. Pine Ave, Meridian, ID 83642

C. Representative:

Sam Johnson - Fairbourne Development LLC, 2701 E. Pine Ave, Meridian, ID 83642

IV. NOTICING

	City Council Posting Date
Notification published in newspaper	8/6/2024
Notification mailed to property owners within 300 feet	8/5/2024
Applicant posted public hearing notice on site	8/15/2024
Nextdoor posting	8/6/2024

V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))

Per UDC 11-6B-7C, “Upon written request and filing by the applicant prior to the termination of the period in accord with subsections A and B of this section, 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 this title.”

VI. STAFF ANALYSIS

The Applicant requests approval of a 2-year time extension on the preliminary plat in order to obtain the City Engineer’s signature on a final plat. The previous time extension approval was set to expire on June 23, 2024; however, the subject time extension application was submitted prior to the expiration date as required.

The preliminary plat (H-2020-0030) for this project consists of 42 building lots, 9 common lots, and approximately 11% qualified open space on 10.5 acres of land in the R-8 zoning district and was approved by City Council on June 23, 2020. A 2-year time extension (TED-2022-0002) was approved by the Director to extend the period of time to June 23, 2024 in which the City Engineer is required to sign a final plat. The reason for the previous time extension request was due to the adjacent subdivision not yet being constructed which is the utility and vehicular access for this subdivision. No new conditions were placed on the application with the time extension.

The reason for this time extension is that the applicant states they have been waiting for the neighboring developer, Boise Hunter Homes, to bring the underground infrastructure through their project and to their property. The applicant also states, the rule of bringing infrastructure to and through is not being upheld by the neighboring developer nor the City of Meridian in this scenario. The developer states, to date, Boise Hunter Homes has intentionally not developed their final phase to keep them from developing their plat.

Since the preliminary plat was approved, an amendment to the common open space and site amenity standards listed in UDC [11-3G](#) changed. The provisions for common open space increased from 10% to 15% and require compliance with the quality standards in UDC 11-3G-3A.2 and the qualifications in UDC 11-3G-3B. The provisions for site amenities changed from one (1) required amenity to a point system based on the area of the development per the point values listed in UDC Table [11-3G-4](#).

A total of 10.9% (or 1.15 acres) of qualified open space is depicted on the preliminary plat consisting of a large common lot with open space, a smaller common lot that holds the irrigation pump station, parkways along all proposed local streets, and half of the arterial street buffer to S. Eagle Rd. **Under the current standard (i.e. 15%), a minimum of 1.58 acres is required for the 10.5-acres. In order to comply with the current open space standards, the applicant will be required to meet the current open space requirement.**

A total of one (1) site amenity was proposed with the preliminary plat consisting of a picnic area with shade structures located in the large open grassy area for easy access by all residents in the development. The open grassy area proposed with this development is not large enough by UDC standards to count as qualified open space and a site amenity but Staff finds that it will still be used as if it were an amenity due to its location and its relative size to the size of the proposed project.

The current standard requires one (1) point of site amenity for each five (5) acres. Per the approved Development Agreement (DA), the applicant was required to provide an additional site amenity per UDC 11-3G-4. Adding more open space to the development might result in losing some of the originally planned lots.

The applicant needs to update the final plat to comply with the DA stipulations as follows:

- The DA limits the number of lots that can be accessed via a single common driveway to two (2) lots.
- There are currently four (4) common driveways, each serving more than two (2) lots. This setup does not meet the DA requirements.

To comply with the DA, the applicant will need to either redesign the layout to ensure that no more than two (2) lots are served by each common driveway or potentially lose additional lots to meet this requirement.

Approval of the subject time extension will allow the Applicant to obtain the City Engineer's signature on a final plat and proceed with development of the property. If City Council does *not* approve the requested time extension, the preliminary plat will expire and a new preliminary plat application will be required.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed time extension for a time period of 2 years as requested for the application to expire June 23, 2026.

B. City Council:

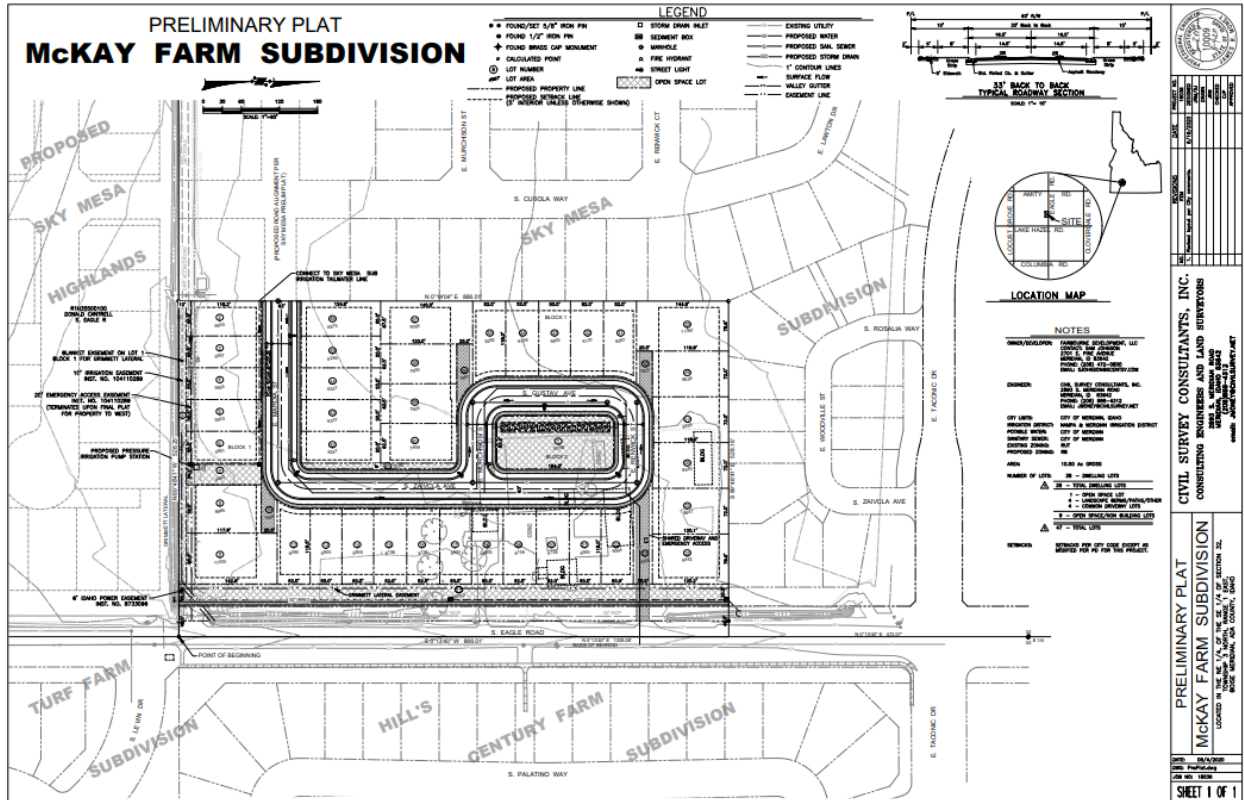
The Meridian City Council heard this item on August 27 2024. At the public hearing, the Council moved to approve the subject TECC request.

1. Summary of the City Council public hearing:
 - a. In favor: Sam Johnson, Scentsy, Inc.
 - b. In opposition: None
 - c. Commenting: Brian Pinter
 - d. Written testimony: None
 - e. Staff presenting application: Linda Ritter
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. Denial of access to their property for construction of the approved preliminary plat.
 - b. Ensuring property owner is required to meet the current open space requirements.

3. Key issue(s) of discussion by City Council:
 - a. No concerns with the extension request but wanted to work with staff to figure out how to avoid such issues expressed by the applicant in the future when it comes to infrastructure.
4. City Council change(s) to Staff recommendation:
 - a. None

VIII. EXHIBITS

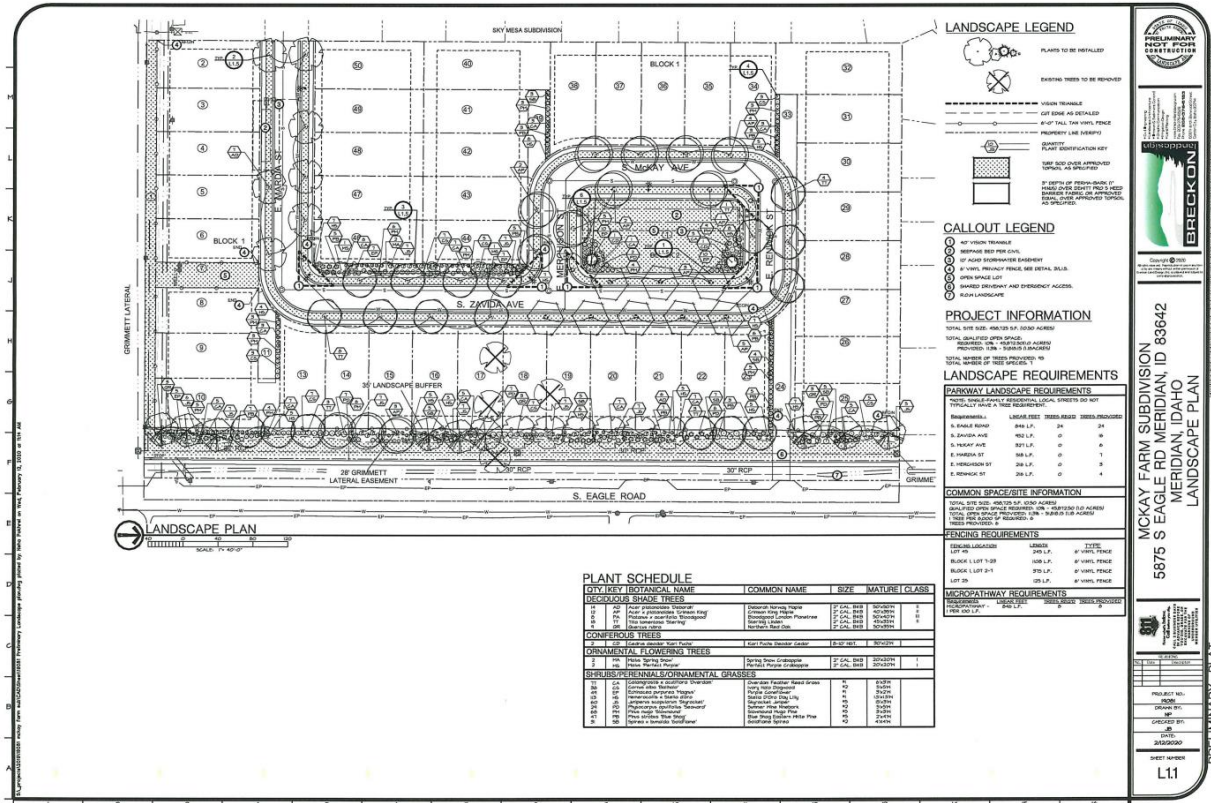
A. Preliminary Plat (date: 1/31/2020)



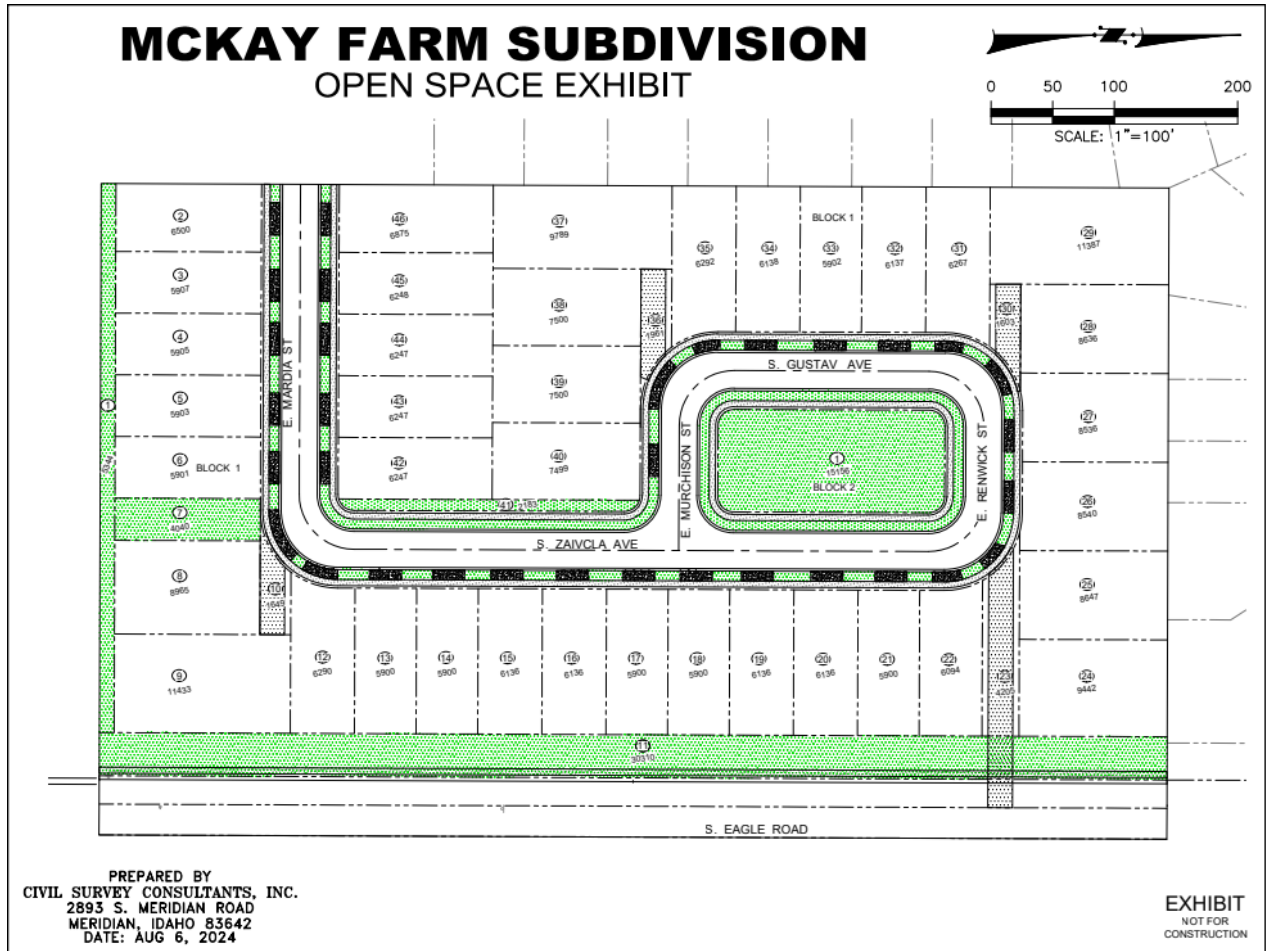
B. Conceptual Site Plan (1/31/2020)



C. Landscape Plan (date: 1/23/2020)



D. Open Space Exhibit (date: 8/6/2024)



McKay Farm Subdivision

Open Space Calculation

Prepared By:
Civil Survey Consultants, Inc.
2893 S. Meridian Road
Meridian, Idaho 83642
Date: August 6, 2024

$$\text{Open Space Percentage} = \left(\frac{\text{Total Open Space}}{\text{Total Sub Area}} \right) \times 100 \%$$

Open Space Lots			
Lot #	Area (Sf)	Acres (Ac)	Additional Info
Lot 1 Block 1	5344	0.12	-
Lot 7 Block 1	4040	0.09	-
Lot 11 Block 1	30310	0.70	-
Lot 1 Block 41	2183	0.05	-
Lot 1 Block 2	15156	0.35	-
Total	57033	1.31	

Parkway Calculations			
Category	Area (Sf)	Acres (Ac)	Additional Info
Gross Parkway Area (8' Wide)	15727	0.36	-
Number Building Lots	-	-	38 Lots
Typ. Driveway Width	-	-	26 ft
Driveway Area	7904	0.18	-
Net Parkway Area	7823	0.18	

Total Given Sub Area¹: 415813 Sf or 9.55 Acres

$$\text{Final Open Space Percentage} = \left(\frac{57033 + (15727 - 7904)}{415813} \right) = 15.6\%$$

¹ NOTE: The S. Eagle Road right-of-way was not considered for the open space square footage calculation.

IX. CONDITIONS OF APPROVAL

1. Provide an additional .43-acre of common open space that complies with the quality standards listed in UDC 11-3G-3A.2, the qualifications listed in UDC 11-3G-3B and the general standards listed in UDC 11-3G-5.
2. Provide an additional site amenity for a total of two (2) amenity points that comply with the qualifications listed in UDC 11-3G-4 and the general standards listed in UDC 11-3G-5 per the recorded DA.
3. Comply with all previous conditions of approval for this development H-2020-0030 (AZ, PP); DA Inst. #2020-095243; TED-2022-0002.