

BEFORE THE MERIDIAN CITY COUNCIL

**HEARING DATE: JULY 9, 2024
ORDER APPROVAL DATE: JULY 23, 2024**

**IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 10 BUILDING)
LOTS AND ONE (1) COMMON LOT)
ON 22.73-ACRES OF LAND IN THE)
C-G ZONING DISTRICT FOR TM)
CREEK NO. 7.)
)
**BY: BRIGHTON DEVELOPMENT,)
INC.)
APPLICANT)
_____)
)****

**CASE NO. FP-2024-0010
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT**

This matter coming before the City Council on July 9, 2024 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 TM CREEK SUBDIVISION NO. 7, LOCATED IN A PORTION OF THE EAST ½ OF THE NORTHWEST ¼ AND THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, B.M., CITY OF MERIDIAN, ADA COUNTY,

IDAHO, 2024, HANDWRITTEN DATE: 4/18/24, by AARON L. BALLARD, PLS, SHEET 1 OF 8,” 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 July 9, 2024, 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 _____, 2024.

By:

Robert E. 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.

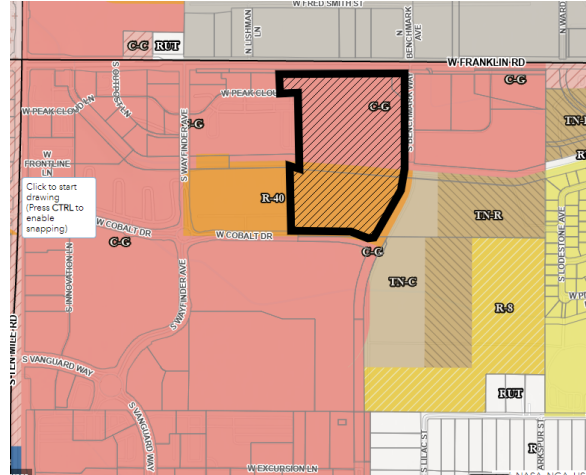
By: _____ Dated: _____

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



DATE: 7/9/2024
TO: City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: FP-2024-0010
TM Creek No. 7
PROPERTY LOCATION:
153 S. Benchmark Way, in the northern
½ of Section 14, T.3N., R.1W.



I. PROJECT DESCRIPTION

Final plat consisting of 10 building lots and one (1) common lot on 22.73-acres of land in the C-G zoning district for TM Creek No. 7.

Note: The proposed final plat is actually the seventh phase of the TM Center Subdivision preliminary plat (H-2020-0074) and includes right-of-way for S. Benchmark Way and a common lot (i.e. Lot 1, Block 2) that was part of the TM Crossing Subdivision preliminary plat (PP-12-003). [Previous phases of the TM Center Subdivision preliminary plat: 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); TM Center East No. 1 (5th phase FP-2022-021); TM Center East No. 2 (6th phase FP-2024-0008)]

II. APPLICANT INFORMATION

A. Applicant

Zach Meyers, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

B. Owner:

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 associated preliminary plat (TM Center H-2020-0074) as required by UDC 11-6B-3C.2. The proposed final

plat depicts seven (7) fewer buildable lots than shown on the approved preliminary plat, which is in substantial compliance with the approved preliminary plats as required by UDC 11-6B-3C.

An east/west private street (i.e. W. Peak Cloud Ln.) was previously approved through this site ([A-2023-0036](#)).

Note: Development agreement provision #5.1(11) requires a central amenity to be provided within the overall development. The Applicant states they are making plans to satisfy this requirement in the development area west of Wayfinder, south of Cobalt and east of Innovation. In the near future, they intend to share the concept plan for the central amenity with Staff in accord with the conditions.

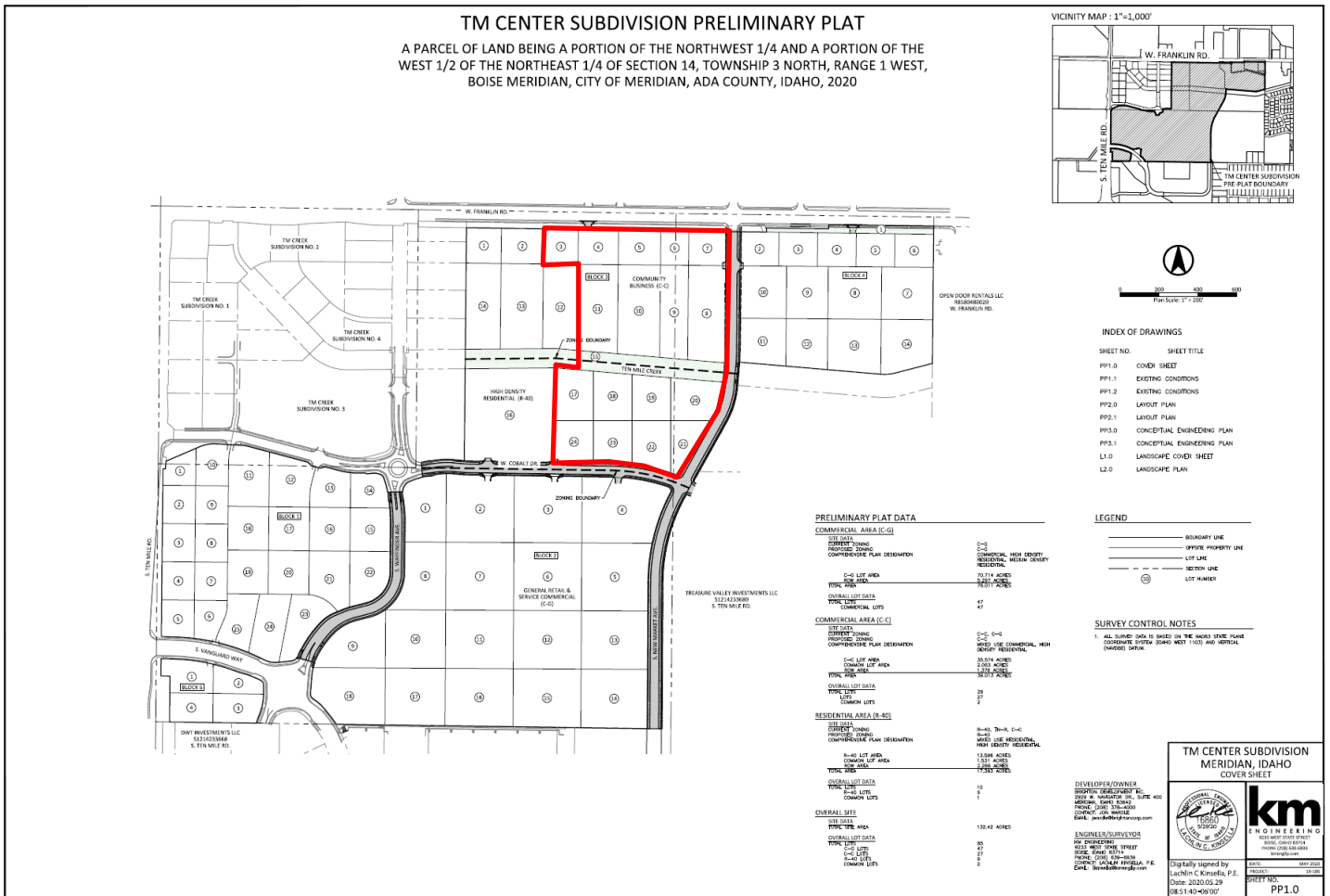
IV. DECISION

A. Staff:

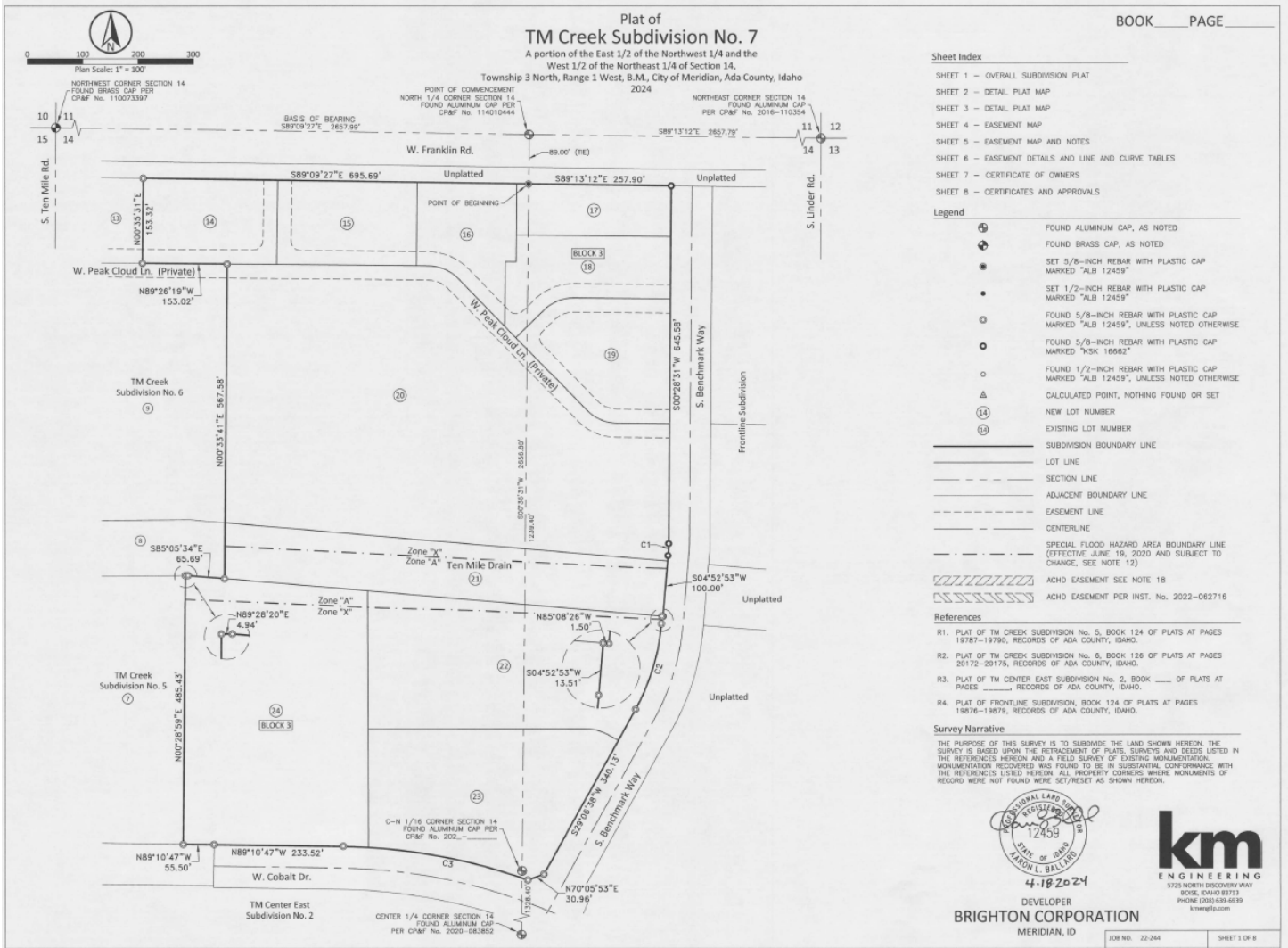
Staff recommends approval of the proposed final plat with the conditions of approval in Section VII of this report.

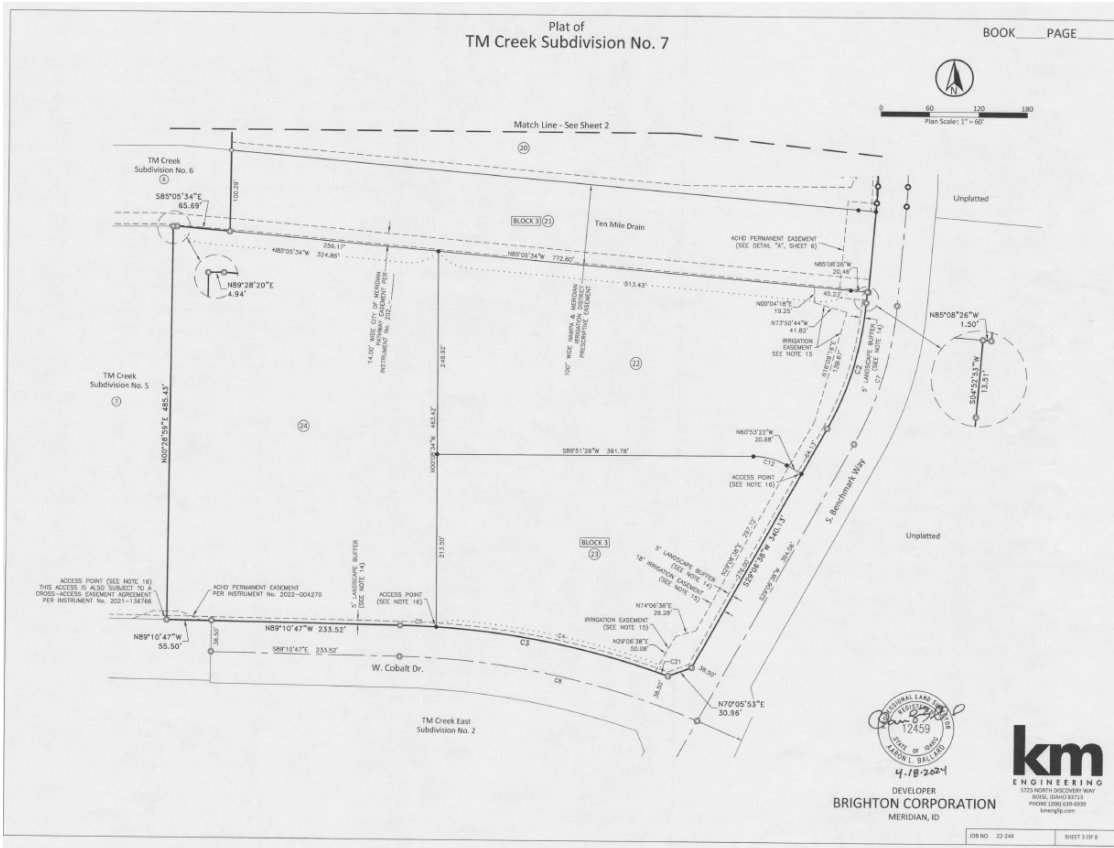
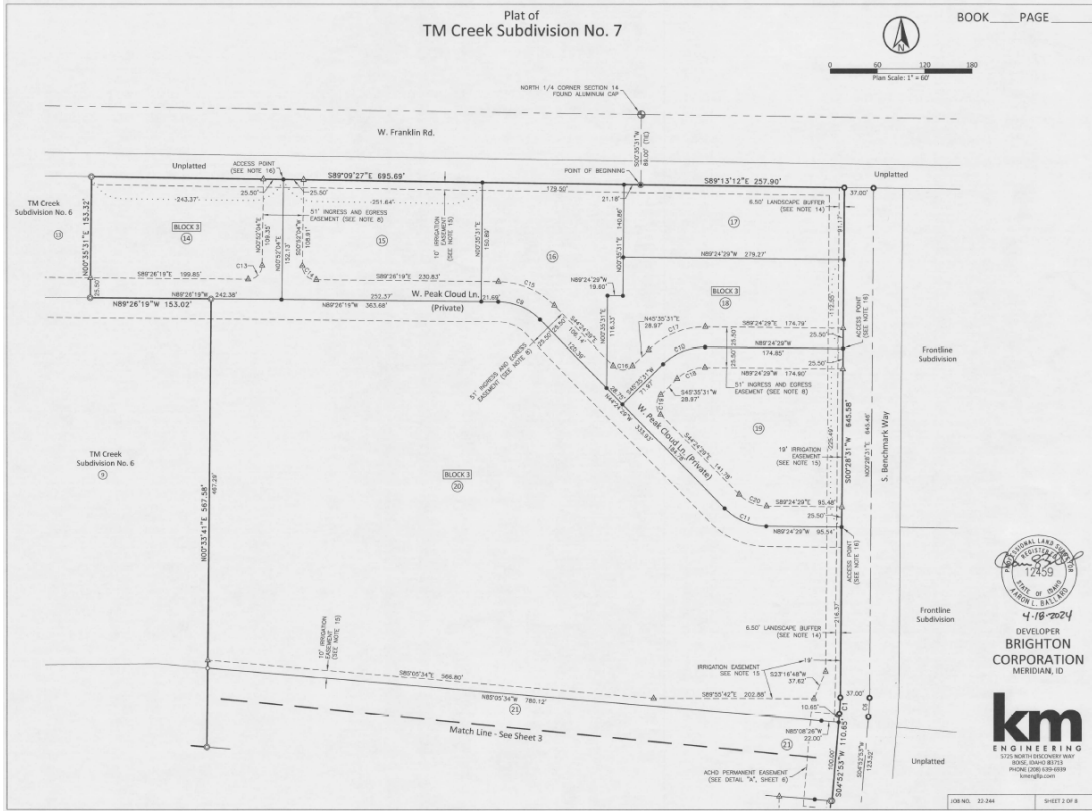
V. EXHIBITS

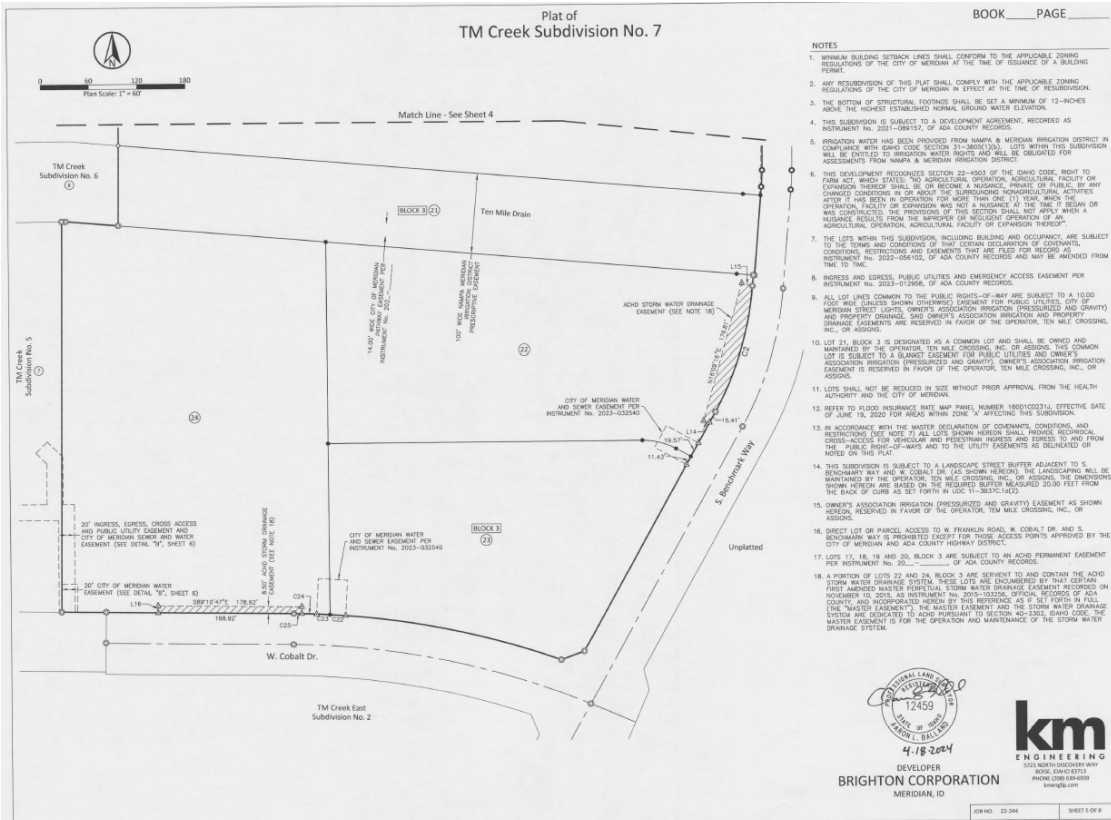
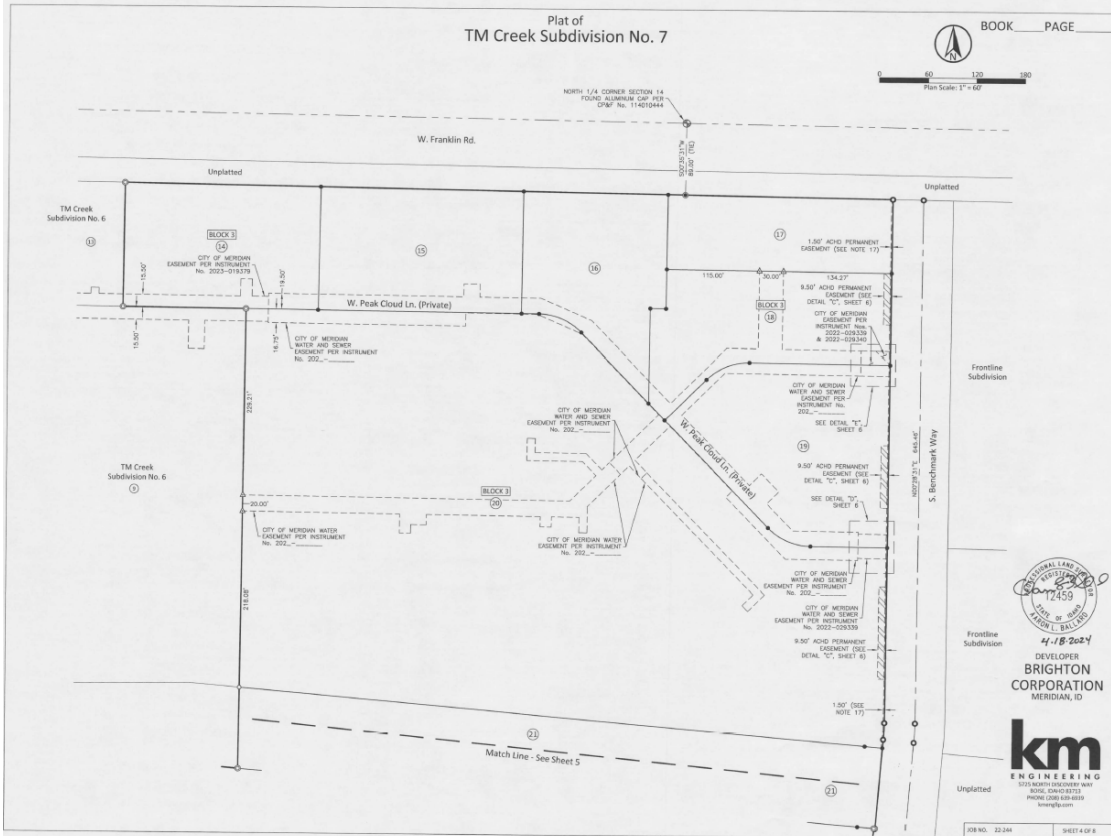
A. Preliminary Plat (dated: May 29, 2020)

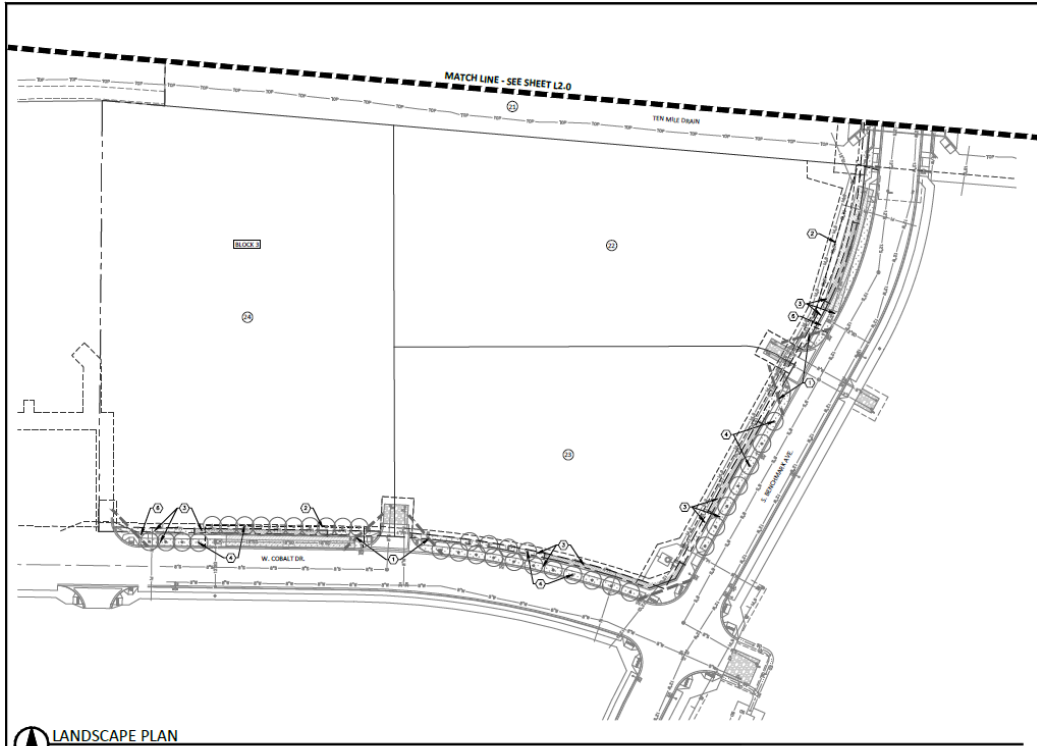


B. Final Plat (dated: 4/18/24)









PLANT SCHEDULE

SYMBOL	QTY	BOTANICAL / COMMON NAME	SIZE	NATURAL HOUS
(Symbol: Circle with dot)	01	EXISTING TREES TO REMAIN		PROTECT AND MAINTAIN
(Symbol: Circle with cross)	02	EXISTING TREES TO BE REMOVED		REMOVE

SYMBOL	QTY	BOTANICAL / COMMON NAME	COMET
(Symbol: Dotted pattern)	03	EXISTING GRASS TO REMAIN	NONE
(Symbol: Stippled pattern)	04	EXISTING GRASS TO BE REMOVED	NONE

- KEY NOTES (TYPICAL) (G)**
1. CLEAR VIEW TRIANGLE: NO TREES SHALL BE PLANTED WITHIN A CLEAR VIEW TRIANGLE. THE MAXIMUM CLEARANCE OF ANY VEHICLE SHOULD BE 20 FEET FROM THE ADJACENT STREET CORNER. IF NECESSARY, THE CLEAR VIEW TRIANGLE SHALL BE 2' FROM THE ADJACENT STREET CORNER.
 2. IF ANY NEWLY CLEAR TRUCK TRAILS SHALL NOT BE RELATED WITHIN THE 10' CLEAR ZONE OF ALL EXISTING OR NEW PPGL STRUCTURES, OR PARKING.
 3. EXISTING LANDSCAPING AND IRRIGATION TO REMAIN: RETAIN, PROTECT, AND OR MAINTAIN AS SHOWN. CONSTRUCTION SHALL EXIST WITHIN THE EXISTING AND NEWLY ADDED PLANTING AREAS. ALL PLANTING SHALL BE INSTALLED AND MAINTAINED AS SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE TO MAINTAIN ALL EXISTING LANDSCAPING PLANTING AREAS AND IRRIGATION EQUIPMENT OPERATED AS A RESULT OF THE CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING IRRIGATION SYSTEMS AND OPERATE AS SHOWN. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PLANTING AREAS AND IRRIGATION EQUIPMENT OPERATED AS A RESULT OF THE CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PLANTING AREAS AND IRRIGATION EQUIPMENT OPERATED AS A RESULT OF THE CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PLANTING AREAS AND IRRIGATION EQUIPMENT OPERATED AS A RESULT OF THE CONSTRUCTION.
 4. EXISTING TREES TO REMAIN: PRESERVE AND PROTECT: SEE PLANT SCHEDULE AND THE PROTECTION NOTES.
 5. EXISTING GRASSPACES TO REMAIN: PRESERVE AND PROTECT.
 6. EXISTING SIDEWALKS TO REMAIN: PRESERVE AND PROTECT.

LANDSCAPE PLAN
 Plan Scale 1" = 20'



REVISIONS

NO.	DATE	DESCRIPTION

TM CREEK SUBDIVISION NO. 7
 MERIDIAN, IDAHO
 LANDSCAPE PLAN



DESIGN BY:	WHS
CHECKED BY:	WHS
DATE:	06/20/2024
PROJECT:	32-2024
SHEET NO.:	L3.0

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 4/18/24 by Aaron L. Ballard, included in Exhibit B shall be revised as follows:
 - a. Note #17: Include the recorded instrument number of the ACHD permanent easement.
 - b. A cross-access/ingress-egress easement shall be granted via a note on the plat or a separate recorded agreement between all non-residential lots in accord with UDC 11-3A-3A.2 and preliminary plat condition #2j.
 - c. Include the recorded instrument number of the 14' wide City of Meridian pathway easement graphically depicted on the plat on Sheet 5.
 - d. Include the recorded instrument number of the City of Meridian water and sewer easement graphically depicted on the plat on Sheet 4.
 - e. Include the recorded instrument number of the City of Meridian water easement graphically depicted on the plat on Sheet 4.
 - f. Include the number of the C-N 1/16 corner section 14 found aluminum cap per CP&F No. 202_ - _____ on Sheet 1.
 - g. In the References notes on Sheet 1, include the book and page numbers of TM Center East Subdivision No. 2.
5. The landscape plan prepared by KM Engineering, dated 4/18/24 included in Exhibit C, shall be revised as follows:
 - a. Depict a 10-foot wide multi-use pathway along the south side of the Ten Mile Creek within the easement for such with landscaping on either side of the pathway per the standards in UDC 11-3B-12C as set forth in development agreement provision #5.1.34. Pathway construction may be deferred from the final plat improvements but shall be completed prior to issuance of a certificate of occupancy for structures on adjoining Lots 22–24, Block 3.
 - b. Depict landscaping within the street buffers along W. Franklin Rd., W. Cobalt Dr. and S. Benchmark 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. If an easement prohibits trees from being located within the street buffer, trees shall be depicted alongside the buffer outside of the easement.

6. A 14-foot wide public pedestrian easement shall be submitted to the Planning Division for the multi-use pathway along the south side of the Ten Mile Creek prior to signature on the final plat by the City Engineer.
7. The subject property shall be subdivided prior to issuance of any Certificates of Occupancy for the site per requirement of the Development Agreement.
8. 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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=350065&dbid=0&repo=MeridianCity>

C. Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=352869&dbid=0&repo=MeridianCity>

D. Kuna School District

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=350089&dbid=0&repo=MeridianCity>