

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: MAY 14, 2024
ORDER APPROVAL DATE: MAY 28, 2024

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF SEVEN (7))
BUILDING LOTS AND ONE (1))
COMMON LOT ON 26.92 ACRES)
OF LAND IN THE C-G ZONING)
DISTRICT FOR TM CENTER EAST)
NO. 2.)
)
BY: BRIGHTON DEVELOPMENT,)
INC.)
APPLICANT)
_____)

CASE NO. FP-2024-0008
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on May 14, 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 CENTER EAST SUBDIVISION NO. 2, LOCATED IN PORTIONS OF THE NORTHWEST ¼, WEST ½ OF THE NORTHEAST ¼ AND THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, B.M., CITY OF

MERIDIAN, ADA COUNTY, IDAHO, 2024, HANDWRITTEN DATE:

4/23/2024, by AARON L. BALLARD, PLS, SHEET 1 OF 5,” 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 May 14, 2024, a true and correct copy of which is attached hereto marked “Exhibit A” and by this reference incorporated herein, and the response letter from Jon Wardle, Brighton Corporation, a true and correct copy of which is attached hereto marked “Exhibit B” 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

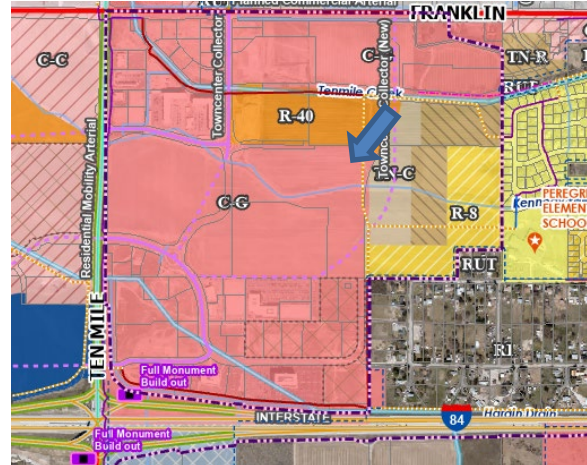
STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



DATE: 5/14/2024
TO: City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: FP-2024-0008
TM Center East No. 2

PROPERTY LOCATION:
SEC of S. Wayfinder Ave. and W.
Cobalt Dr., in the NW ¼ of Section 14,
T.3N., R.1W. (Parcel #S1214244301)



I. PROJECT DESCRIPTION

Final plat consisting of seven (7) building lots and one (1) common lot on 26.92 acres of land in the C-G zoning district for TM Center East No. 2.

Note: The proposed final plat is actually the sixth 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).]

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

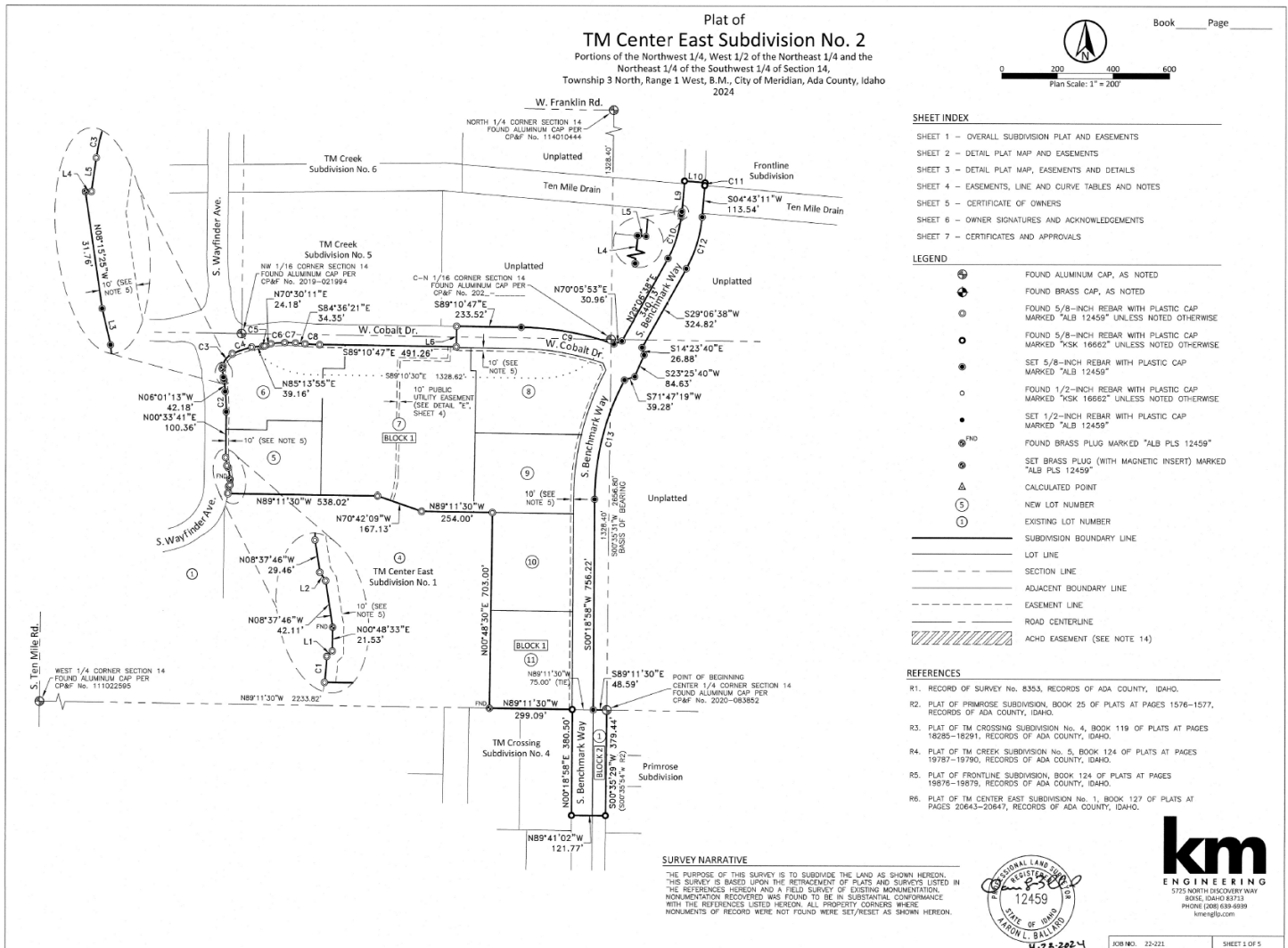
C. Representative:

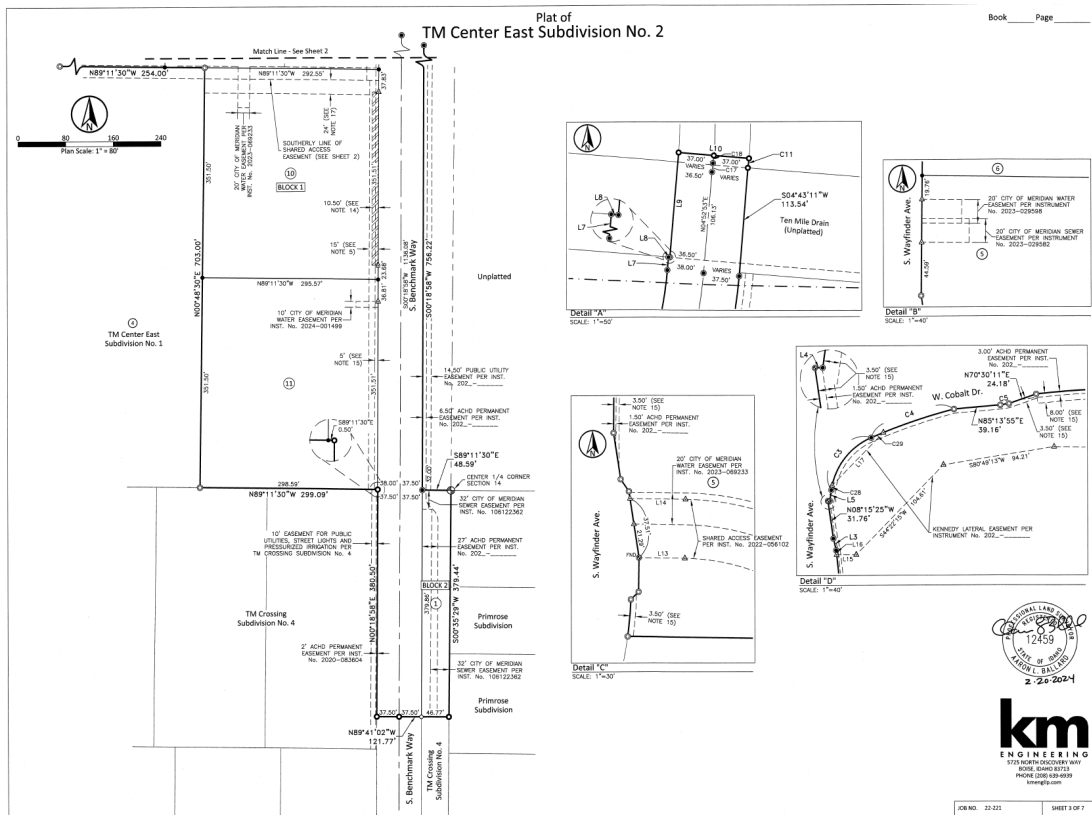
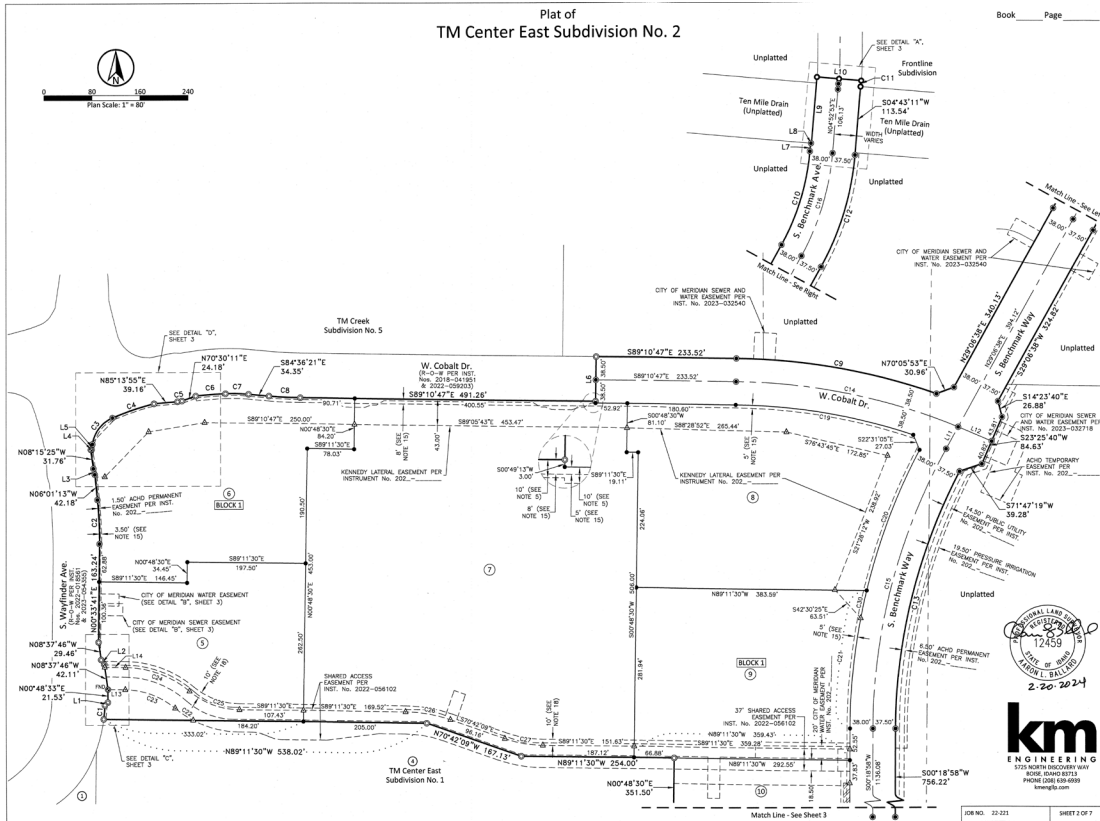
Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the associated preliminary plats (TM Center H-2020-0074 & TM Crossing PP-12-003) as required by UDC 11-6B-3C.2. The proposed final plat depicts three (3) fewer buildable lots than shown on the approved preliminary plats. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary plats as required by UDC 11-6B-3C.

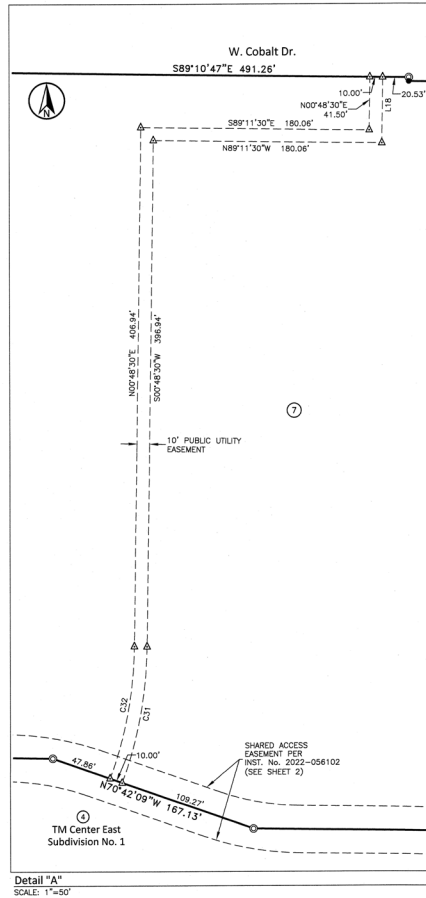
B. Final Plat (dated: 4/23/24)





Plat of
TM Center East Subdivision No. 2

Book _____ Page _____



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N45°48'33\"E	6.82'
L2	N34°21'58\"W	9.21'
L3	N13°08'40\"W	10.08'
L4	N8°37'28\"E	1.62'
L5	N8°07'55\"E	9.21'
L6	N00°48'13\"E	74.00'
L7	N0°52'53\"E	13.51'
L8	S85°08'26\"E	1.30'
L9	N0°52'53\"E	110.00'
L10	S85°08'26\"E	74.00'
L11	N29°06'38\"E	41.39'
L12	S66°45'20\"E	60.66'
L13	N89°11'30\"W	28.84'
L14	S89°11'30\"W	34.98'
L15	N89°30'25\"W	16.47'
L16	N06°01'13\"W	3.74'
L17	N44°22'15\"E	61.46'
L18	S00°48'30\"W	51.50'

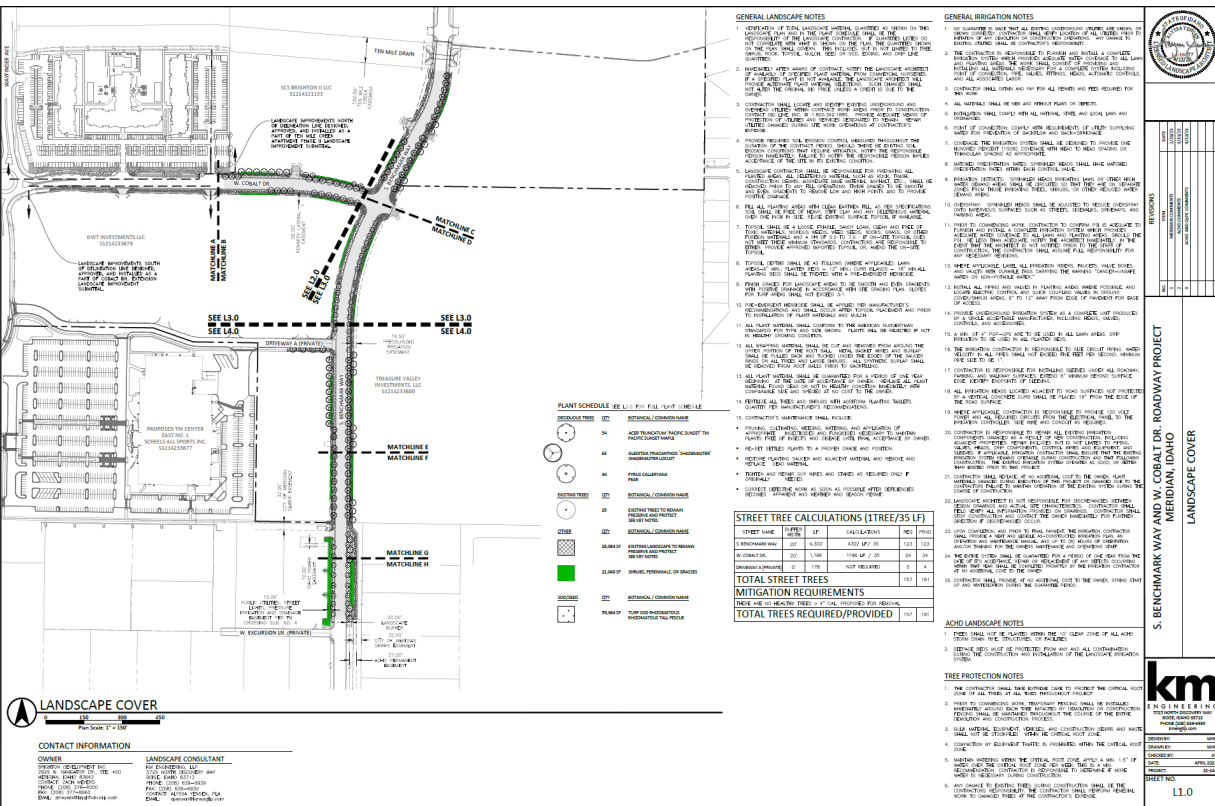
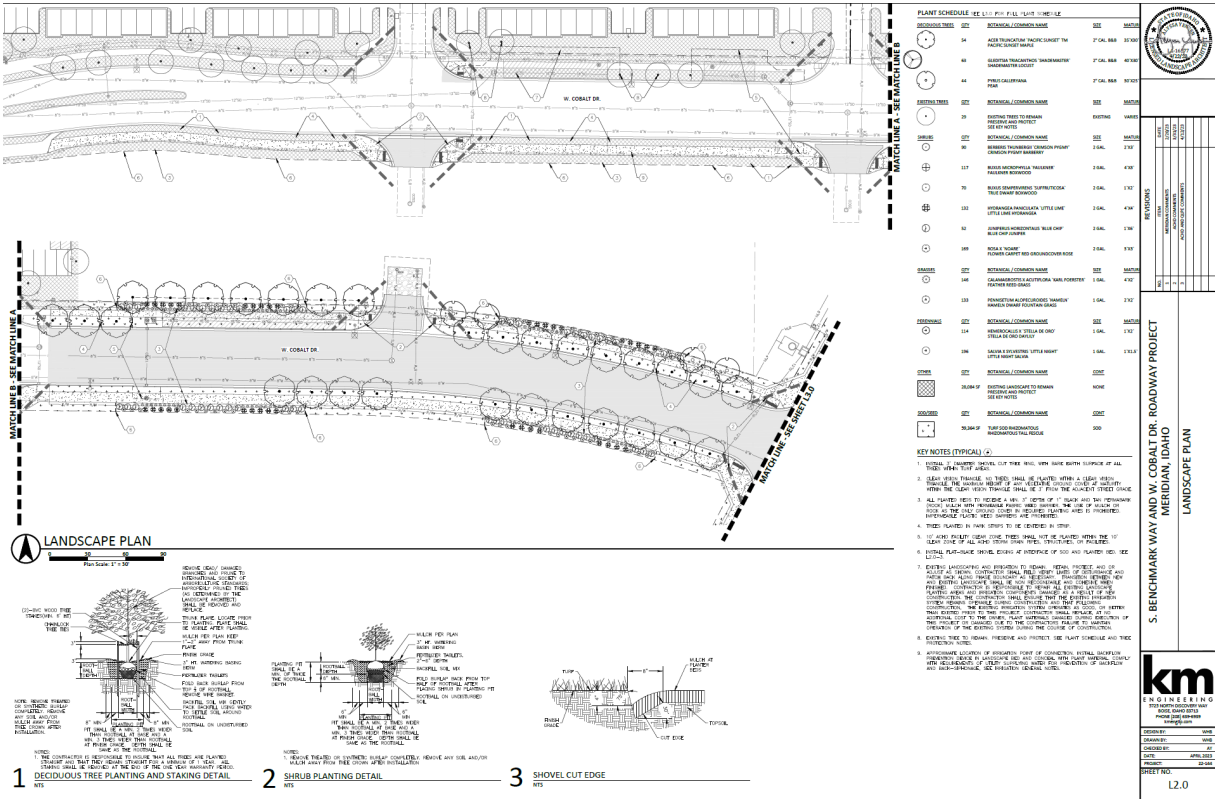
CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD
C1	252.00'	23.27'	5°17'28\"	23.26'
C2	636.17'	73.08'	6°34'54\"	73.04'
C3	56.00'	57.46'	88°47'13\"	54.97'
C4	481.00'	73.36'	8°44'20\"	73.29'
C5	663.00'	7.41'	0°38'24\"	7.41'
C6	668.00'	49.64'	4°15'27\"	49.63'
C7	288.00'	38.62'	7°41'01\"	38.59'
C8	659.00'	52.60'	4°34'25\"	52.59'
C9	1038.50'	339.45'	18°43'41\"	337.24'
C10	385.50'	163.02'	24°13'44\"	161.81'
C11	304.71'	10.01'	1°52'53\"	10.01'
C12	461.00'	194.95'	24°13'44\"	193.50'
C13	926.00'	443.45'	27°26'18\"	439.23'
C14	1000.00'	379.30'	21°43'57\"	377.03'
C15	963.50'	484.21'	28°47'40\"	479.13'
C16	423.50'	179.09'	24°13'44\"	177.76'
C17	190.00'	9.21'	2°46'34\"	9.21'
C18	267.71'	8.20'	1°45'14\"	8.19'
C19	961.50'	300.67'	17°55'00\"	299.44'
C20	1001.50'	249.03'	14°14'49\"	248.39'
C21	1001.50'	231.22'	13°13'41\"	230.70'
C22	168.50'	36.01'	12°14'43\"	35.94'
C23	131.50'	90.30'	39°20'45\"	88.54'
C24	168.50'	115.71'	39°20'45\"	113.45'
C25	131.50'	90.30'	39°20'45\"	88.54'
C26	236.50'	76.32'	18°29'21\"	75.99'
C27	199.50'	64.38'	18°29'21\"	64.10'
C28	56.00'	3.93'	4°01'20\"	3.93'
C29	481.00'	11.02'	1°18'45\"	11.02'
C30	1001.50'	46.78'	2°40'35\"	46.78'
C31	325.00'	109.18'	19°14'55\"	108.67'
C32	315.00'	105.83'	19°14'55\"	105.33'

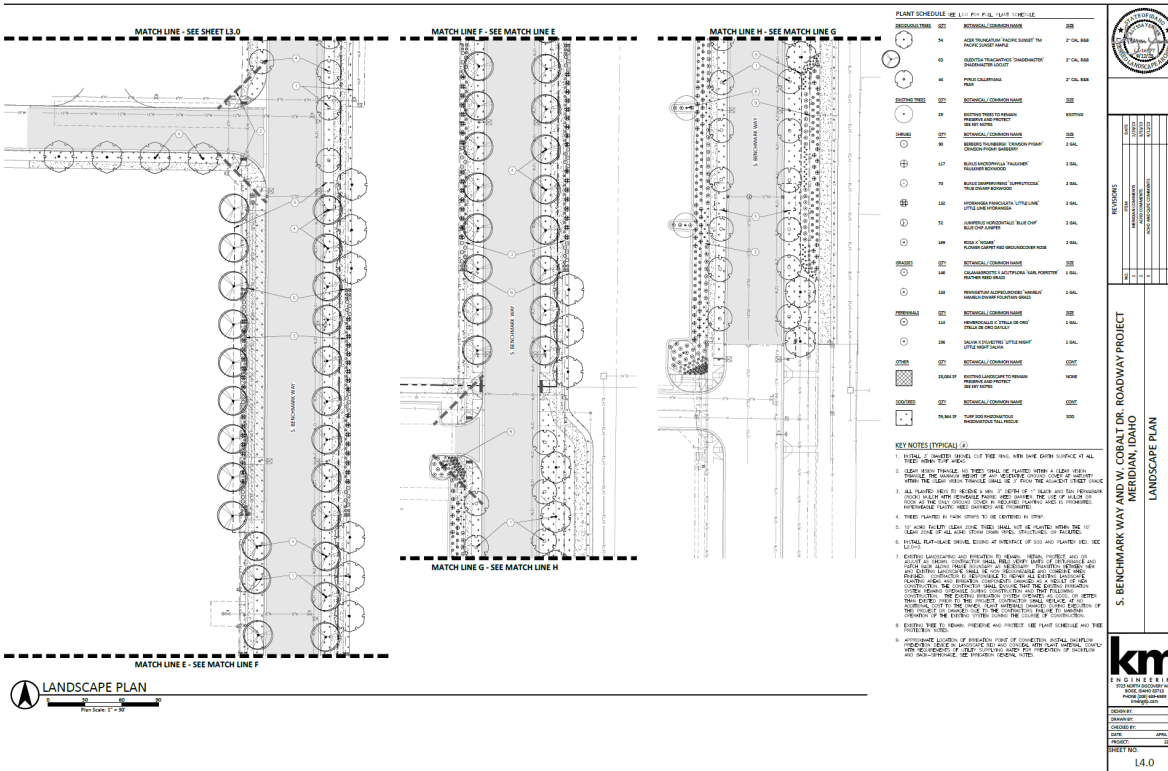
NOTES

1. MINIMUM BUILDING SETBACK LINES SHALL CONFORM TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
2. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF RESUBDIVISION.
3. IRRIGATION WATER HAS BEEN PROVIDED FROM NAMP & MERIDIAN IRRIGATION DISTRICT IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(a). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER AND WILL BE OBLIGATED FOR ASSESSMENTS FROM THE NAMP & 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. UNLESS SHOWN OTHERWISE, 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 DECLARANT PURSUANT TO THOSE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS REFERENCED IN NOTE 8 HEREIN.
6. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY AND THE CITY OF MERIDIAN.
7. LOT 1, BLOCK 2 IS DESIGNATED AS A COMMON LOT AND SHALL BE OWNED AND MAINTAINED BY THE DECLARANT PURSUANT TO THOSE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS REFERENCED IN NOTE 8 HEREIN.
8. 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. 2022-056102, OF ADA COUNTY RECORDS, AND MAY BE AMENDED FROM TIME TO TIME.
9. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION.
10. DIRECT LOT OR PARCEL ACCESS TO W. COBALT DR., S. WAYFINDER AVE., AND S. BENCHMARK WAY IS PROHIBITED EXCEPT FOR THOSE ACCESS POINTS APPROVED BY THE CITY OF MERIDIAN AND ADA COUNTY HIGHWAY DISTRICT.
11. THE PRESSURE IRRIGATION SYSTEM WITHIN THIS DEVELOPMENT SHALL BE MAINTAINED BY THE DECLARANT PURSUANT TO THOSE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS REFERENCED IN NOTE 8 HEREIN.
12. THIS SUBDIVISION IS SUBJECT TO AN ACHD LANDSCAPE LICENSE AGREEMENT PER INSTRUMENT NO. 2022-056102, OF ADA COUNTY RECORDS.
13. THIS SUBDIVISION IS SUBJECT TO A DEVELOPMENT AGREEMENT PER INSTRUMENT NO. 2021-089157, OF ADA COUNTY RECORDS.
14. A PORTION OF LOT 10, BLOCK 1 IS SERVIENT TO AND CONTAINS THE ACHD STORM WATER DRAINAGE SYSTEM. THESE LOTS ARE ENCUMBERED BY THAT CERTAIN FIRST AMENDED MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON NOVEMBER 10, 2015, AS INSTRUMENT NO. 2015-103250, OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH IN FULL (THE "MASTER EASEMENT"). THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DEDICATED TO ACHD PURSUANT TO SECTION 40-2302, IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.
15. THIS SUBDIVISION IS SUBJECT TO A LANDSCAPE STREET BUFFER EASEMENT WHICH THE LANDSCAPING WILL BE MAINTAINED BY TEN MILE CROSSING ANNEX, LLC, DWT INVESTMENTS, LLC AND SCS INVESTMENTS, LLC, OR ASSIGNS. STREET BUFFERS SHALL BE MEASURED FROM BACK OF CURB AS SET FORTH IN UDC 11-38-7C.1a(2).
16. THIS SUBDIVISION IS SUBJECT TO A TEMPORARY EMERGENCY ACCESS EASEMENT AGREEMENT PER INSTRUMENT NO. 2022-056908, OF ADA COUNTY RECORDS.
17. LOT 10, BLOCK 1 IS SUBJECT TO A 24.00 FOOT WIDE PUBLIC UTILITY EASEMENT ADJACENT TO THE SOUTHERN LINE OF THE SHARED ACCESS EASEMENT (INST. NO. 2022-056102) AS SHOWN HEREON.
18. LOTS 5, 7 AND 9, BLOCK 1 ARE SUBJECT TO A 10.00 FOOT WIDE PROPERTY IRRIGATION EASEMENT ADJACENT TO THE NORTHERN LINE OF THE SHARED ACCESS EASEMENT (INST. NO. 2022-056102) AS SHOWN HEREON. PROPERTY IRRIGATION EASEMENTS ARE RESERVED FOR THE DECLARANT PURSUANT TO THOSE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS REFERENCED IN NOTE 8 HEREIN.
19. NO EXISTING INTERSTATE NATURAL GAS TRANSMISSION PIPELINE OR INTERSTATE PETROLEUM PRODUCTS PIPELINE AS RECOGNIZED BY THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION WAS DETERMINED TO BE WITHIN 1,000 FEET OF THIS SUBDIVISION.



C. Landscape Plan (dated: April 2023)





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](#); TM Crossing [AZ-12-005/PP-12-003](#), DA Inst. #[114002254](#)).
2. The applicant shall obtain the City Engineer's signature on the subject final plat within two years (i.e. on or before February 5, 2026) 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 4/23/24 by Aaron L. Ballard, included in Exhibit B shall be revised as follows:
 - a. Note #12: Include the recorded instrument number of the ACHD landscape license agreement.
 - 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 Kennedy Lateral easement graphically depicted on the plat.
 - d. Include the recorded instrument number of the ACHD permanent easement graphically depicted on the plat.
 - e. Include the recorded instrument number of the pressure irrigation easement graphically depicted on the plat.
 - f. Include the recorded instrument number of the public utility easement graphically depicted on the plat.
 - g. Include the recorded instrument number of the ACHD temporary easement graphically depicted on the plat.
 - h. Include the CP&F number graphically depicted on Sheet 1 of the plat.
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 20-foot wide street buffers along S. Wayfinder Ave., 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.
 - b. Modify the Street Tree Calculations table to include trees along S. Wayfinder Ave.
 - c. Depict a bus stop with a concrete pad on S. Wayfinder Ave. as requested by [Valley Regional Transit](#) (VRT) with a shelter for weather protection in accord with

development agreement provision #5.1(6). Pedestrian amenities such as landscaping, pedestrian and landscape lighting, benches, and trash receptacles shall be depicted consistent with the design and location of the shelter. *The design of the structure should be coordinated between the City, VRT and ACHD ensuring architectural consistency with the general theme of the activity center.*

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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=345858&dbid=0&repo=MeridianCity>

C. Valley Regional Transit (VRT)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=346178&dbid=0&repo=MeridianCity>

D. Idaho Transportation Department (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=346026&dbid=0&repo=MeridianCity&cr=1>

E. Nampa & Meridian Irrigation District (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=347294&dbid=0&repo=MeridianCity>

F. Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=346724&dbid=0&repo=MeridianCity>

EXHIBIT B

From: [Jon Wardle](#)
To: [Sonya Allen](#)
Cc: [Bill Parsons](#); [Joshua Beach](#); [Zach Meyers](#)
Subject: FW: TM Center East No. 2 FP-2024-0008 Staff Report for Council on May 14th - REVISED
Date: Monday, May 13, 2024 3:21:17 PM
Attachments: [TM Center East No 2 FP-2024-0008 Staff Report REVISED.pdf](#)

External Sender - Please use caution with links or attachments.

Sonya,

We have reviewed the TM Center East No. 2 Staff Report, and concur with the Staff Report's Conditions of Approval. Thank you.

Jon Wardle
BRIGHTON – *Creating GREAT Places*
O: 208.378.4000
D: 208.287.0518
C: 208.871.9361
E: jwardle@brightoncorp.com

From: Sonya Allen <sallen@meridiancity.org>
Sent: Wednesday, May 8, 2024 3:48 PM
To: Clerks Comment <comment@meridiancity.org>
Cc: Bill Parsons <bparsons@meridiancity.org>; Joshua Beach <JBeach@brightoncorp.com>
Subject: RE: TM Center East No. 2 FP-2024-0008 Staff Report for Council on May 14th - REVISED

Please see the attached revised staff report.

Thanks,

Sonya Allen | Associate Planner

City of Meridian | Community Development Department | Planning Division
33 E. Broadway Ave., Ste. 102, Meridian, Idaho 83642
Phone: 208-884-5533 | Direct/Fax: 208-489-0578



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From: Sonya Allen
Sent: Thursday, May 2, 2024 3:27 PM
To: City Clerk - Land Use Items (comment@meridiancity.org) <comment@meridiancity.org>
Cc: Bill Parsons <bparsons@meridiancity.org>; 'Joshua Beach' <JBeach@brightoncorp.com>
Subject: TM Center East No. 2 FP-2024-0008 Staff Report for Council on May 14th

Attached is the staff report for the final plat for TM Center East No. 2. This item is scheduled to be

on the consent agenda at the City Council work session on May 14th. The meeting will be held at City Hall, 33 E. Broadway Avenue, beginning at 4:30 pm. Please call or e-mail with any questions.

If you are *not* in agreement with the provisions in the staff report, please submit a written response to the staff report to the City Clerk's office (comment@meridiancity.org) and me as soon as possible and the item will be placed on the regular meeting agenda at a subsequent meeting for discussion.

Thanks,

Sonya Allen | Associate Planner

City of Meridian | Community Development Department | Planning Division

33 E. Broadway Ave., Ste. 102, Meridian, Idaho 83642

Phone: 208-884-5533 | Direct/Fax: 208-489-0578



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