

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: FEBRUARY 22, 2022
ORDER APPROVAL DATE: MARCH 8, 2022

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 115 BUILDING)
LOTS AND 18 COMMON LOTS ON)
16.83 ACRES OF LAND IN THE R-)
15 ZONING DISTRICT FOR)
OAKWIND ESTATES NO 1.)
BY: NICOLETTE WOMACK)
APPLICANT)
_____)
)
)
)

CASE NO. FP-2022-0001
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on February 22, 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 OAKWIND ESTATES NO 1 SUBDIVISION, LOCATED IN THE SW ¼ OF THE SW 1/4 OF SECTION 28, TOWNSHIP 4N, RANGE 1W, BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, 2022, HANDWRITTEN DATE: JANUARY 06, 2022, by

CLINT HANSEN, PLS, SHEET 1 OF 4,” 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 February 22, 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 _____, [YEAR].

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.

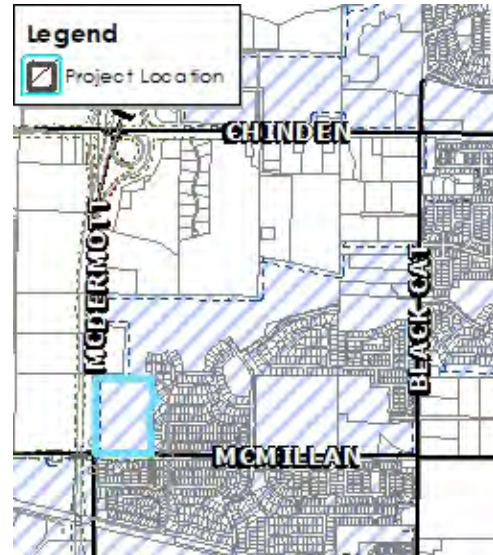
By: _____ Dated: _____

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 2/22/2022
TO: Mayor & City Council
FROM: Alan Tiefenbach, Associate Planner
208-489-0573
SUBJECT: FP-2022-0001
Oakwind Estates No. 1
LOCATION: The site is located at 6180 W. McMillan Rd, in the SW ¼ of the SW ¼ of Section 28, Township 4N. Range 1W.



I. PROJECT DESCRIPTION

Final plat consisting of 91 townhouse lots, 24 single family detached lots, 2 common driveways and 16 common lots on 16.83 acres of land in the R-15 zoning district.

II. APPLICANT INFORMATION

A. Applicant / Representative:

Nicolette Womack, Kimley-Horn - 950 W Bannock Street, Ste 1100., Boise, ID 83702

B. Owners:

Oaks Build to Rent, LLC – 4900 N. Scottsdale Rd, Ste 4900, Scottsdale, AZ 85251

III. STAFF ANALYSIS

In 2020, the property received approval of a preliminary plat and development agreement modification to construct 94 single family lots and 92 townhouse lots (H-2020-0093, Instr. # 2021-046527). This is the first of two phases.

As a condition of approval of the Oakwind Estates Preliminary Plat, the Council required the north-south oriented pathways shown south of W. Daphne St to be combined into one pathway of at least 30' in width, and a recreational amenity be provided at the intersection of the townhouse mews and the pathway. The applicant has combined these pathways, and has provided an outdoor fitness area in this location as required. This is indicated on the landscape plan.

ALTERNATIVE COMPLIANCE

The applicant has also submitted a concurrent alternative compliance application to deviate for the standards in UDC 11-3H. UDC 11-3H states residential development along McDermott Road from Chinden Blvd to I-84 is required to provide noise abatement by constructing a berm or a berm and wall combination a minimum of ten feet (10') higher than the elevation at the centerline approximately parallel to W. McDermott Rd. The applicant's landscape plan does indicate noise barrier fencing along N. McDermott Rd, although it does not have a variation in color or texture or stagger every three hundred (300) linear feet as is required. The applicant requests alternative compliance from this requirement.

UDC 11-5B-5 allows the director to grant alternate compliance from this requirement when explicit compliance is not feasible or the alternative means is superior to what is required.

Requests for alternative compliance are allowed only when one (1) or more of the following conditions exist:

- a. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;*
- b. The site involves space limitations or an unusually shaped lot;*
- c. Safety considerations make alternative compliance desirable;*
- d. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;*
- e. The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed use neighborhoods;*
- f. Additional environmental quality improvements would result from the alternative compliance.*

In order to grant approval for an alternative compliance application, the Director shall determine the following:

- 1. Strict adherence or application of the requirements are not feasible; or*
- 2. The alternative compliance provides an equal or superior means for meeting the requirements; and*
- 3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.*

The applicant has responded that there would be an additional environmental quality improvement for granting the request. The wall as proposed is a steel type of fencing that will be more aesthetically appealing as it is designed to look more like a fence than a traditional concrete or modular block wall, however it is not engineered for staggering. The applicant notes this same style of wall was utilized by the Oaks North and South Subdivisions.

The Director agrees that the style of wall proposed is more attractive than a concrete or block wall as it resembles a fence. Also, this sound wall is proposed in combination with a 4 ft. tall landscaped berm, which would provide additional visual relief. The Director finds the alternative compliance provides an equal or superior means for meeting the requirements and will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

However, it is not clear on the landscape plan that berming is included. Staff recommends a condition that this be clarified on the landscape plan prior to City Engineer signature of the final plat.

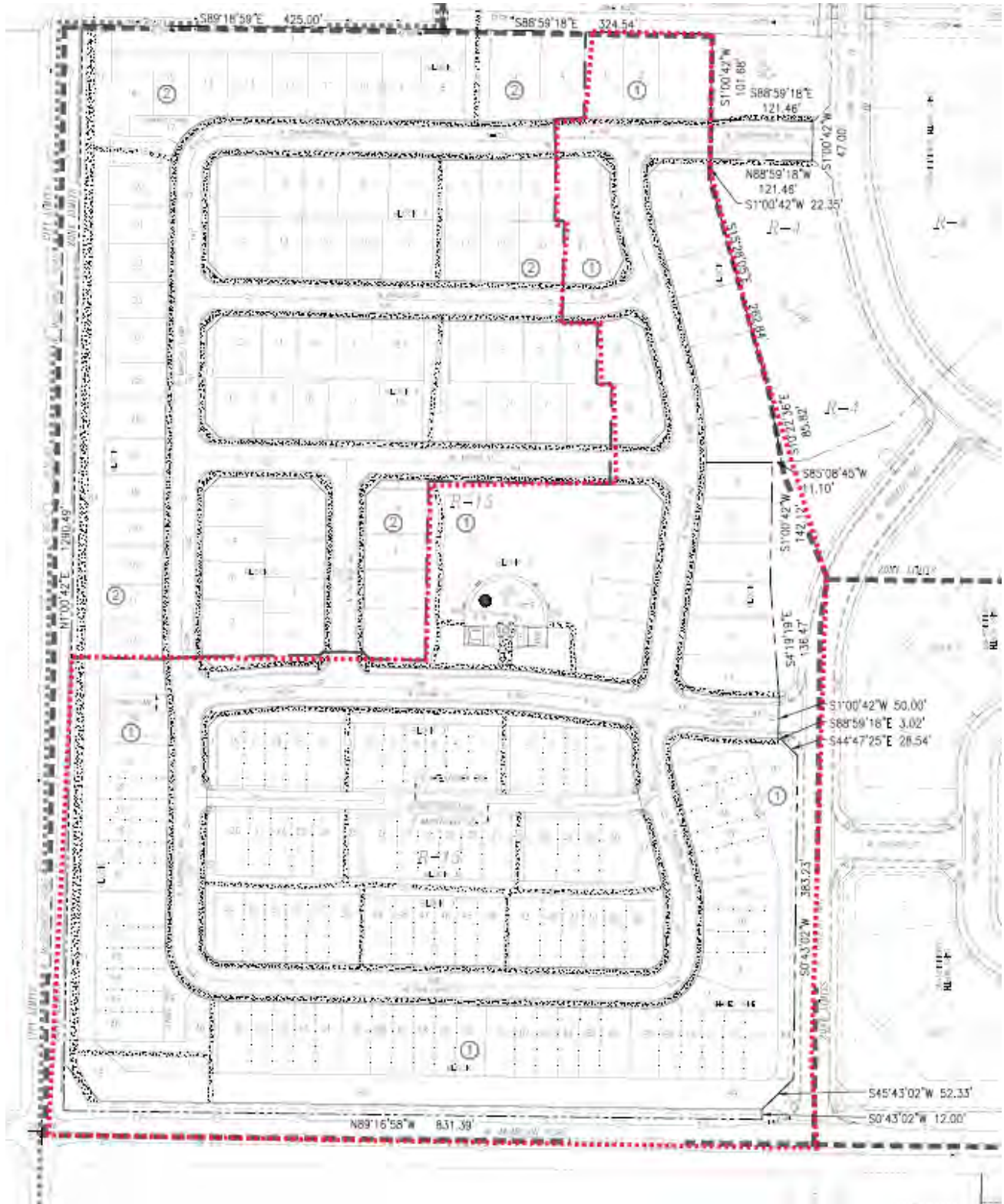
Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat in accord with the requirements listed in UDC 11-6B-3C.2. Because the final plat does not increase the number of building lots and/or decrease the amount of qualified open space as shown on the approved preliminary plat, Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

IV. DECISION

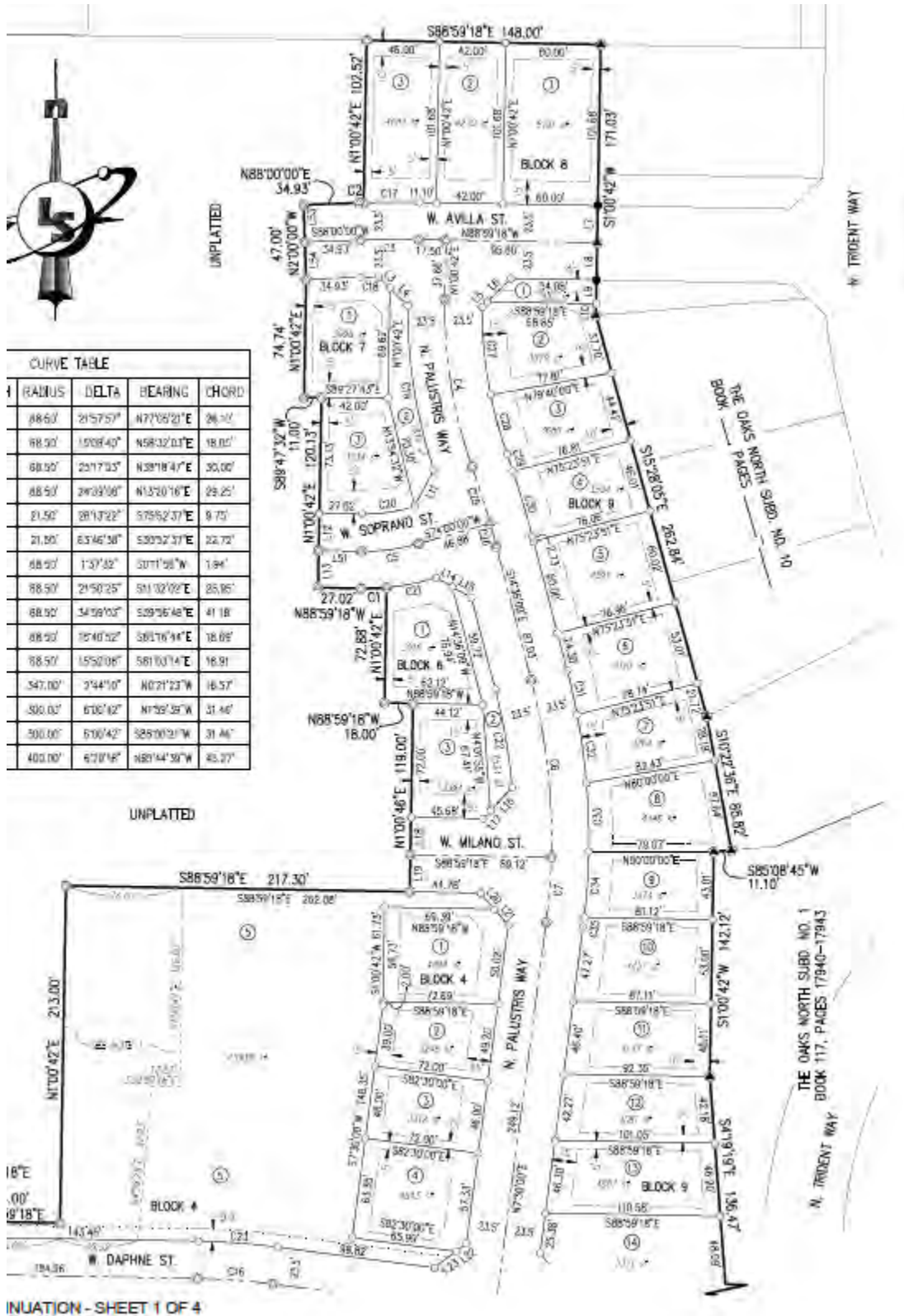
Staff recommends approval of the proposed final plat within the conditions noted in Section VI of this report. The Director has approved alternative compliance from UDC 11-3H -D which requires noise attenuating structures walls/fencing to have a variation in color or texture or stagger every three hundred (300) linear feet.

V. EXHIBITS

A. Preliminary Plat (date: 9/1/2020)



B. Final Plat (date: 1/6/2022)

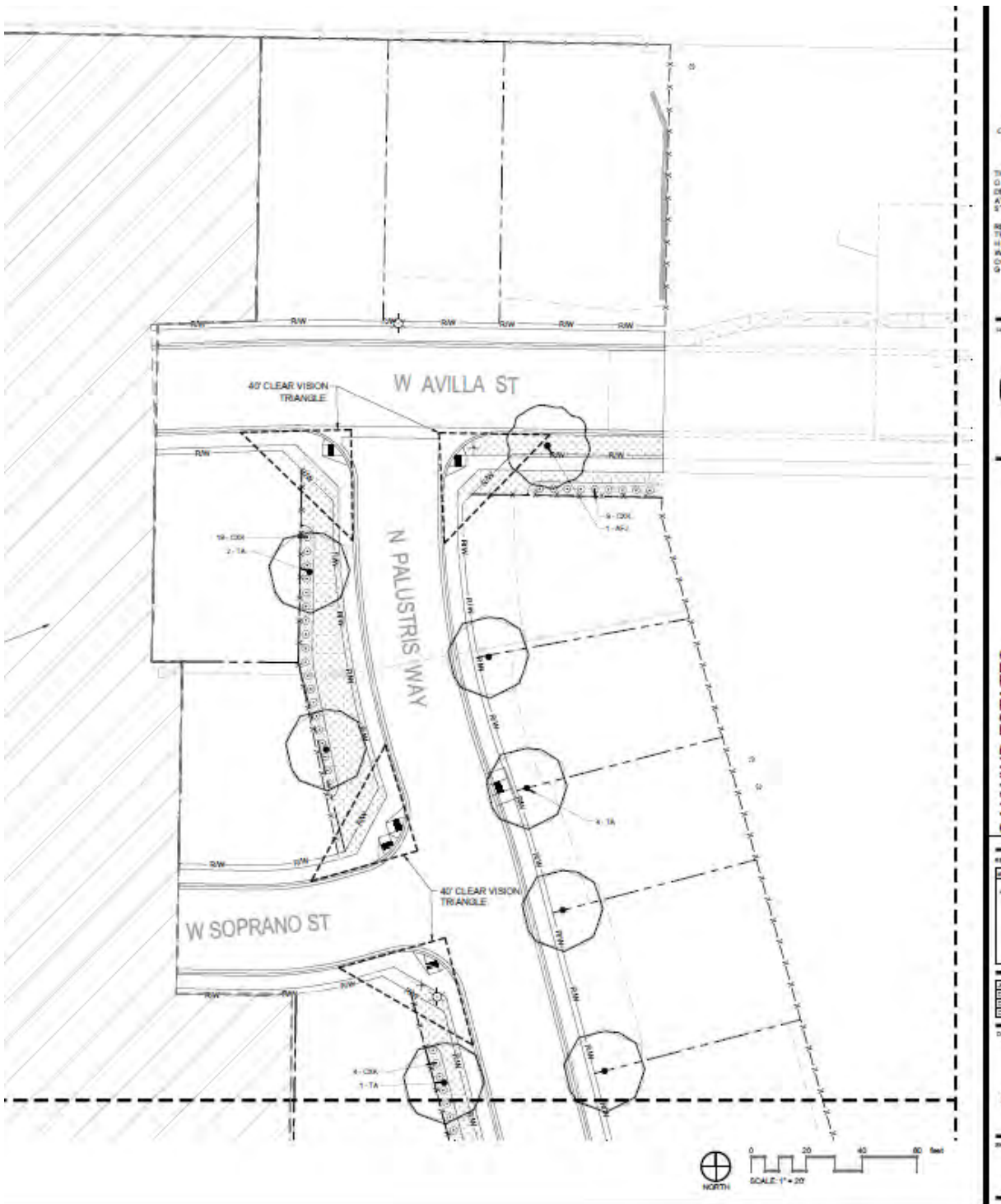


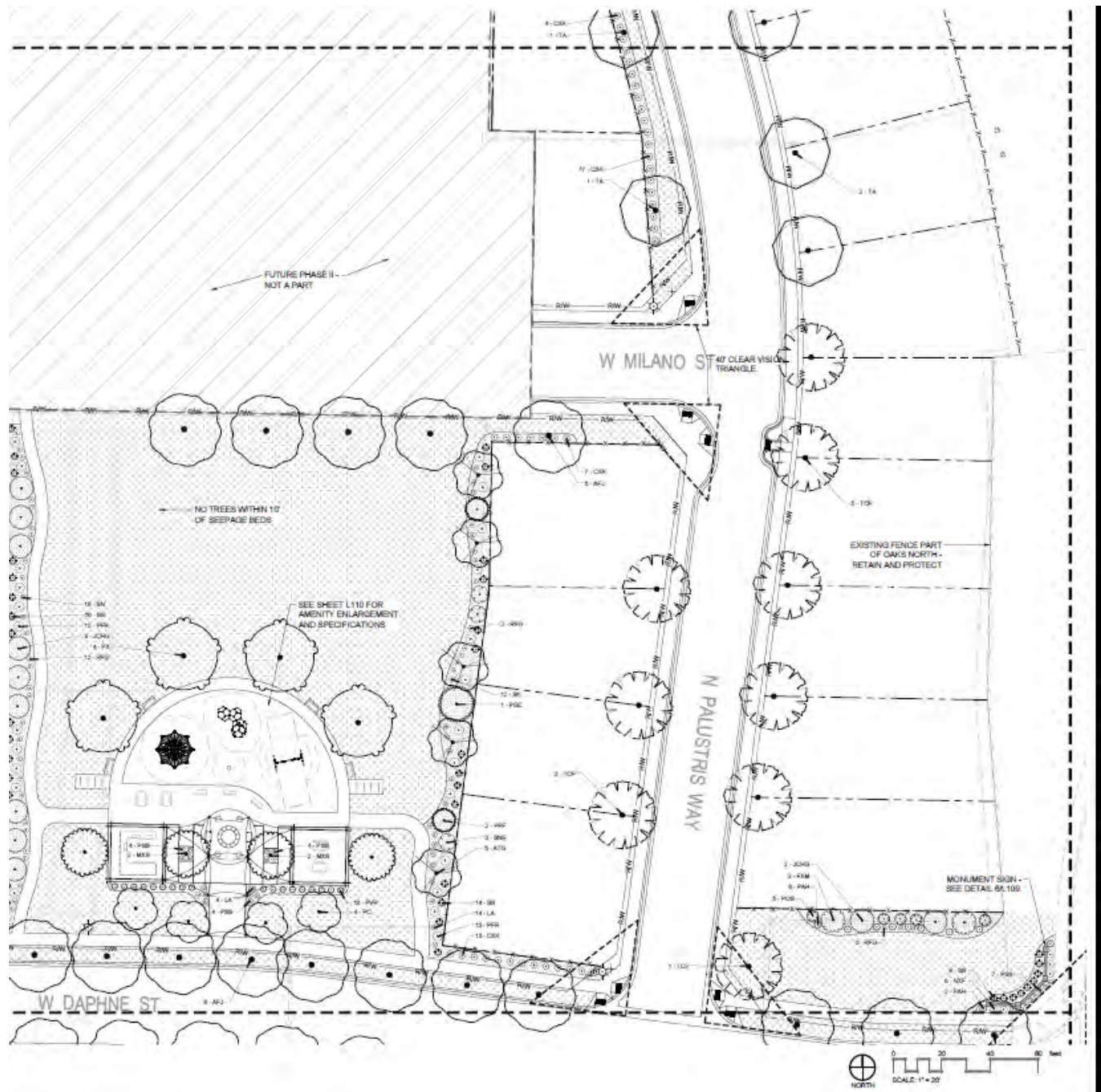
SEE CONTINUATION
SHEET 2 OF 4

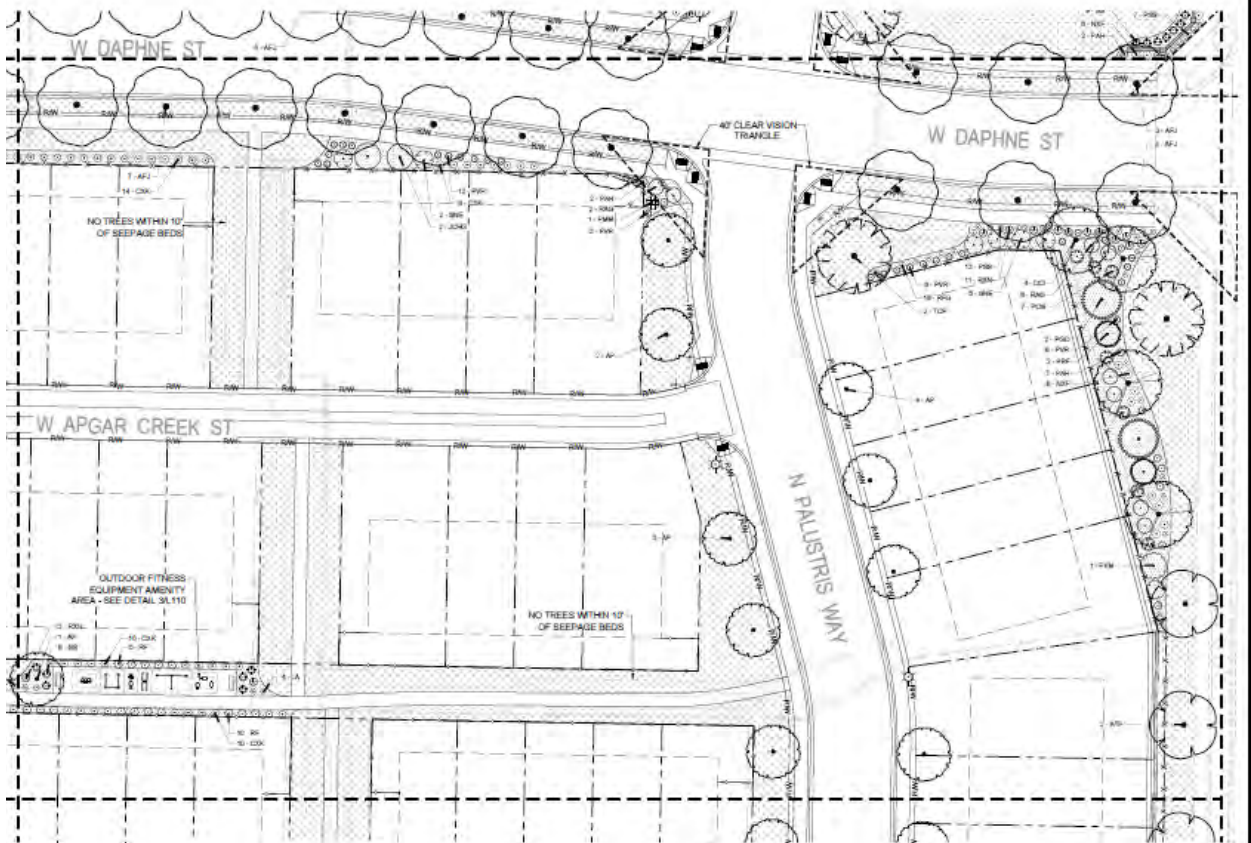
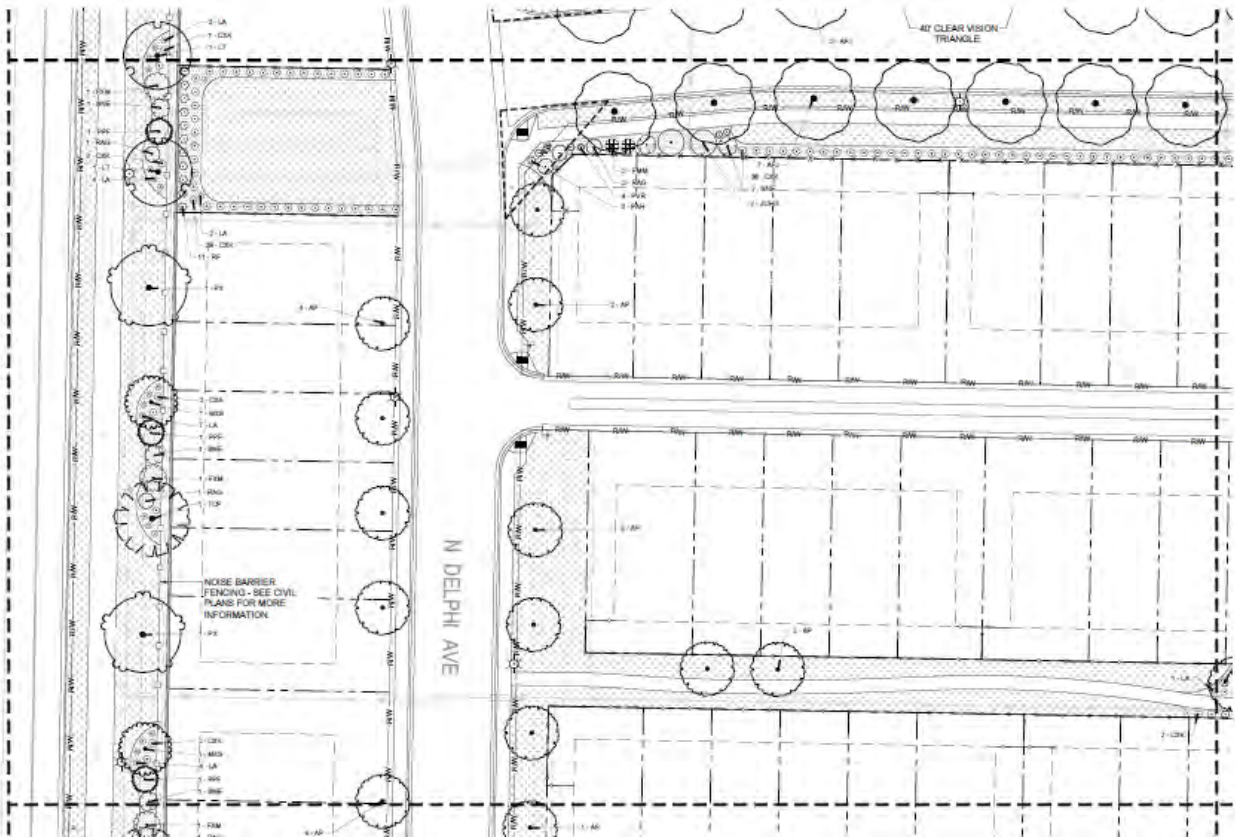
SEE CONTINUATION - SHEET 2 OF 4

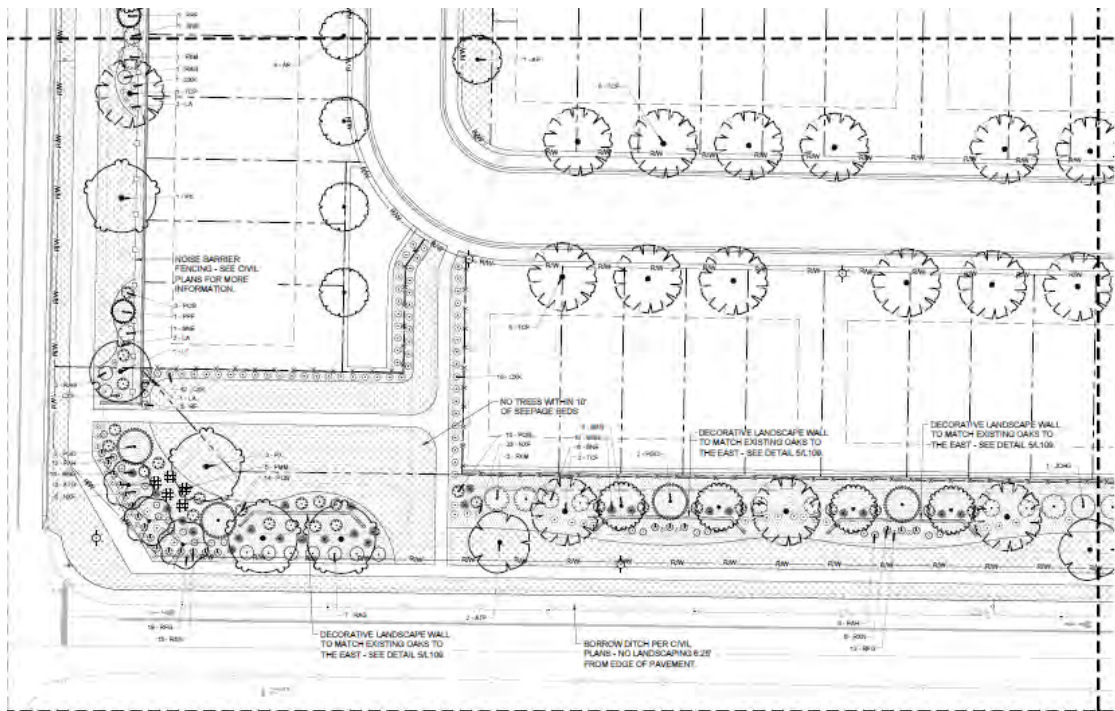
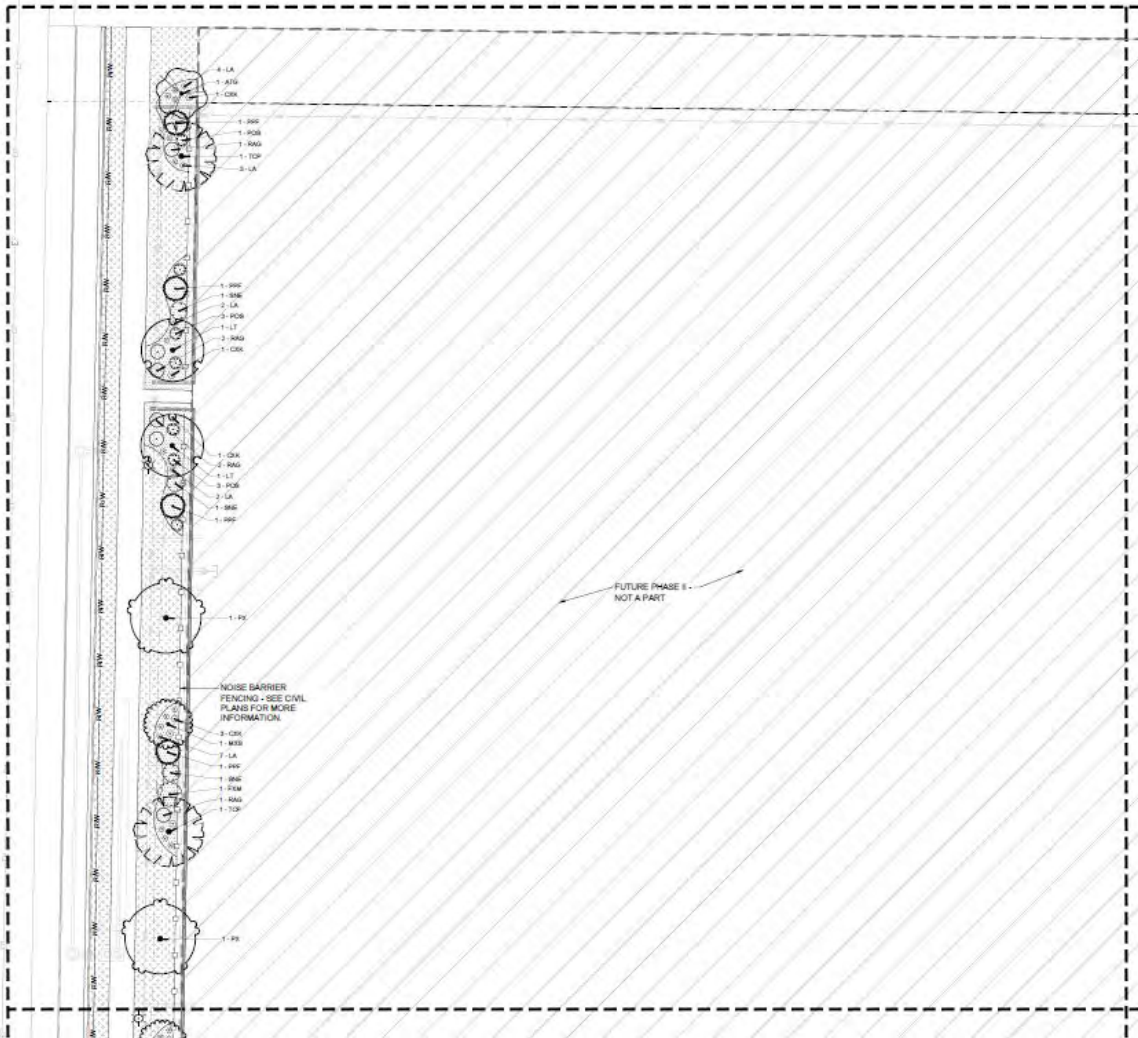


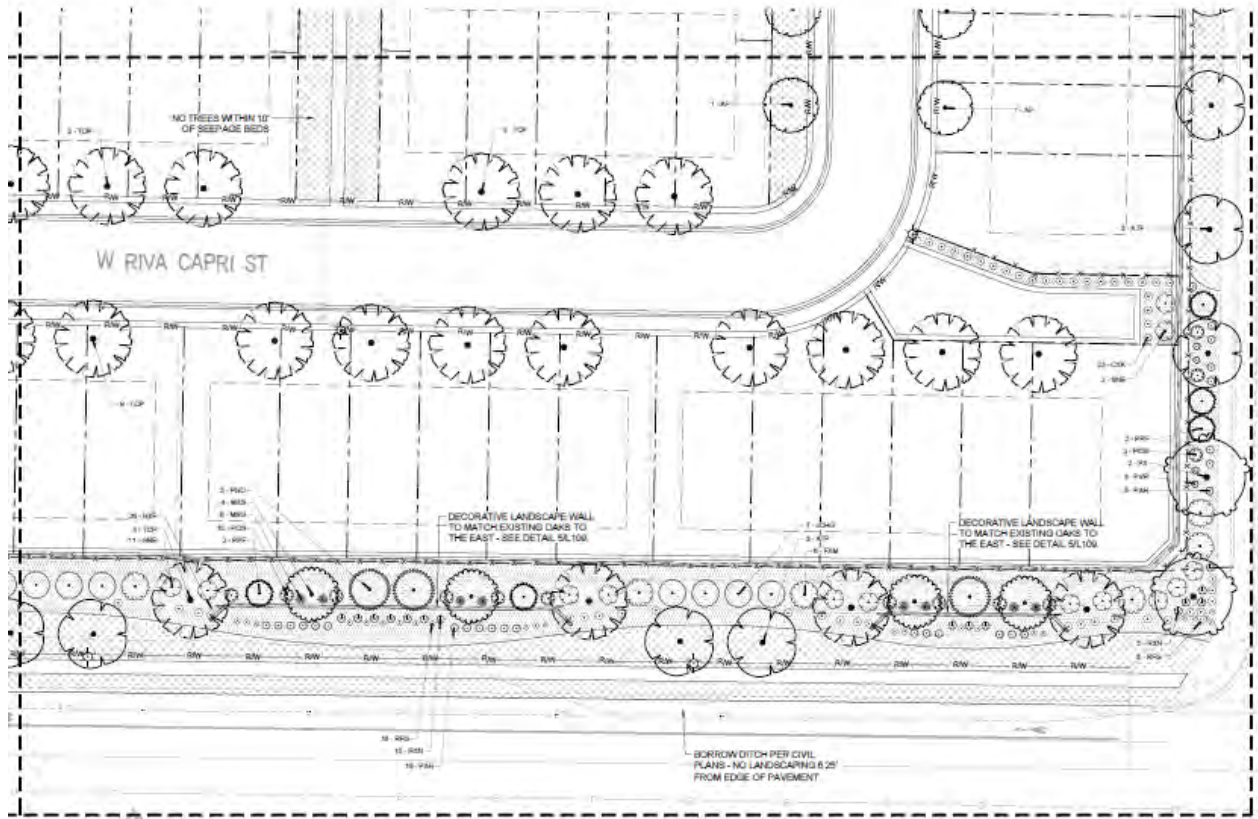
C. Landscape Plan (date: 01/7/2022)



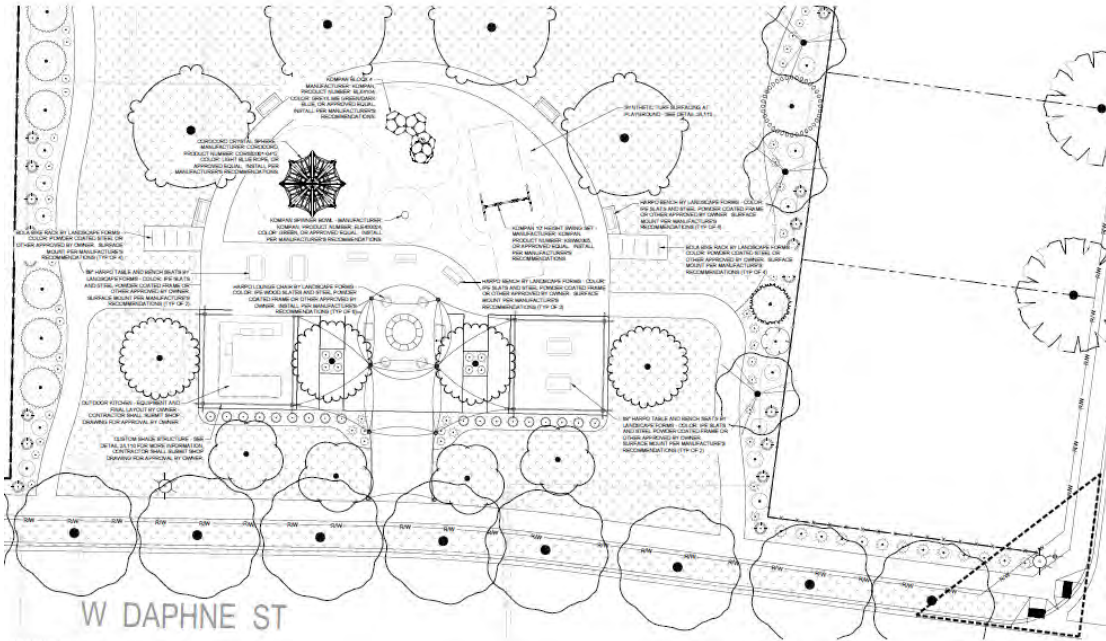






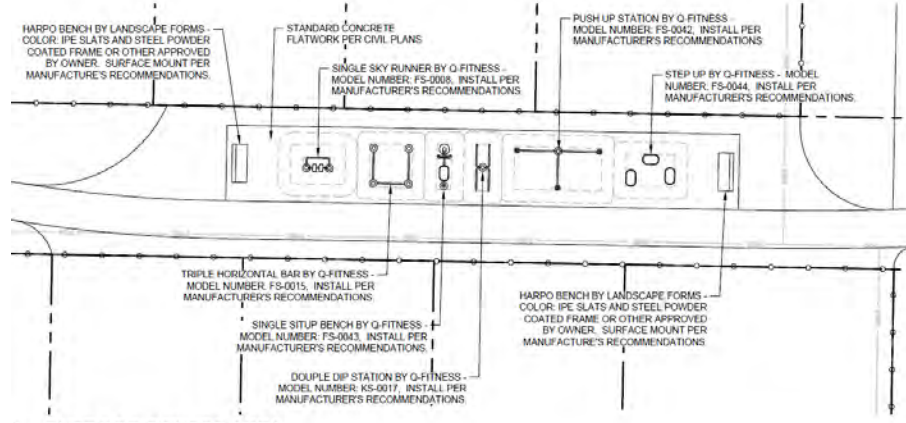
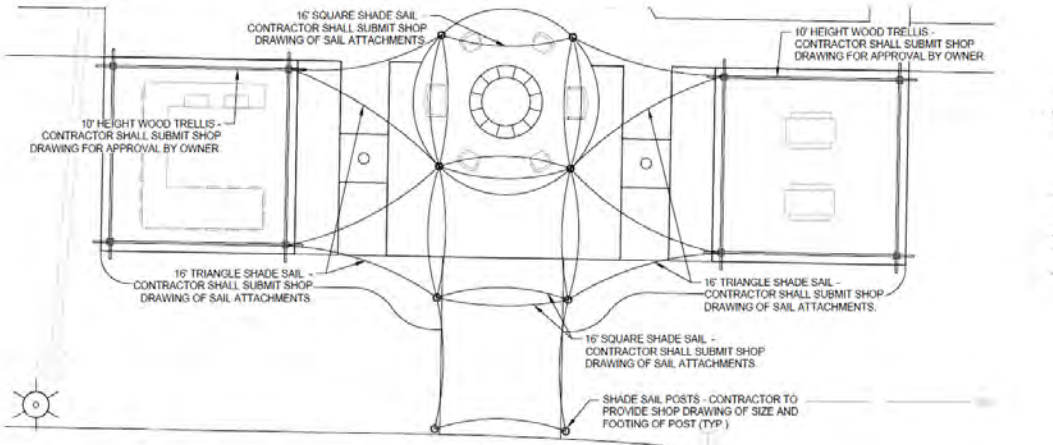


D. Amenity Details (date: 01/07/2022)



1 AMENITY AREA ENLARGEMENT

SCALE: 1" = 10'



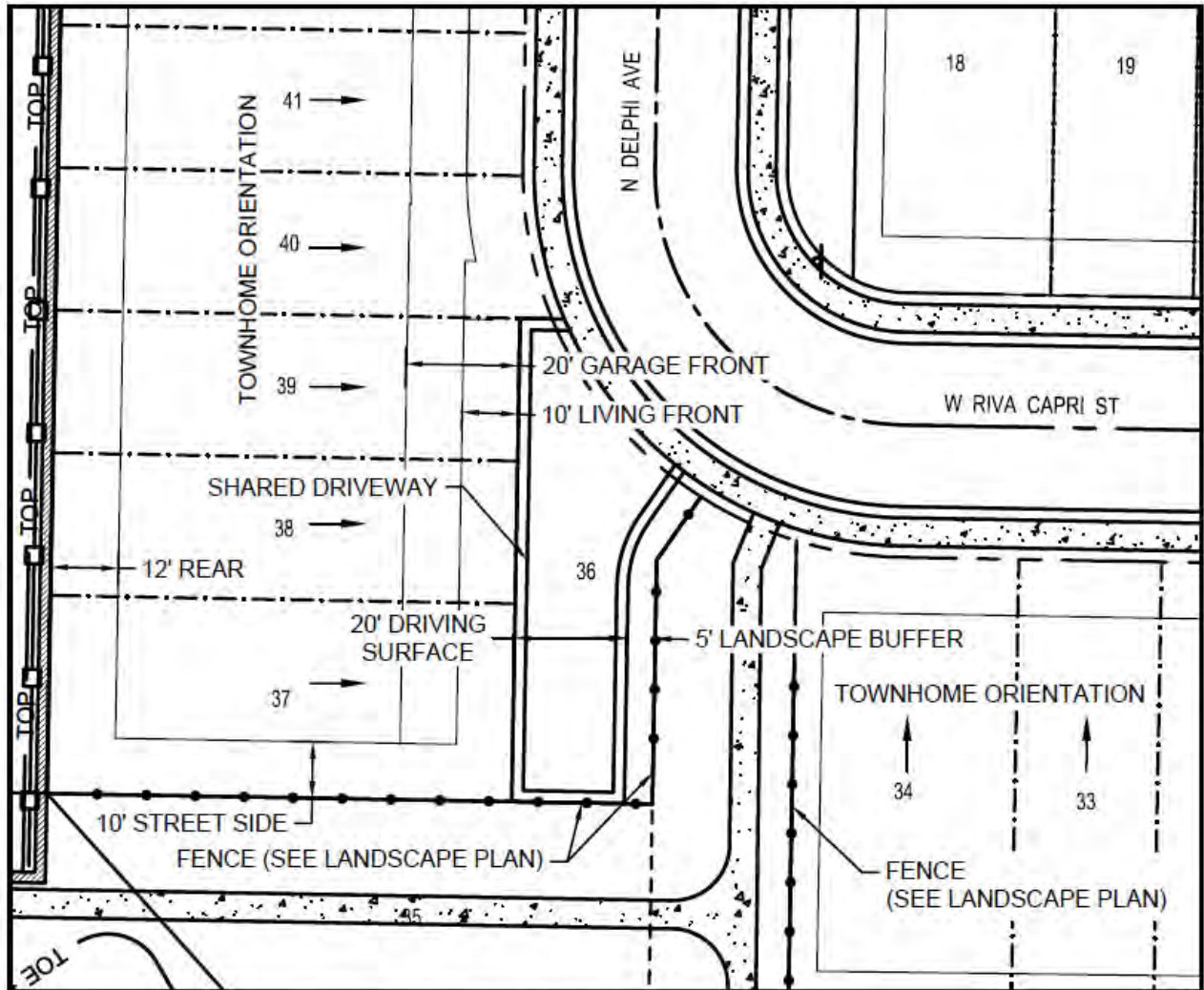
OUTDOOR FITNESS AREA

SCALE: 1" = 10'

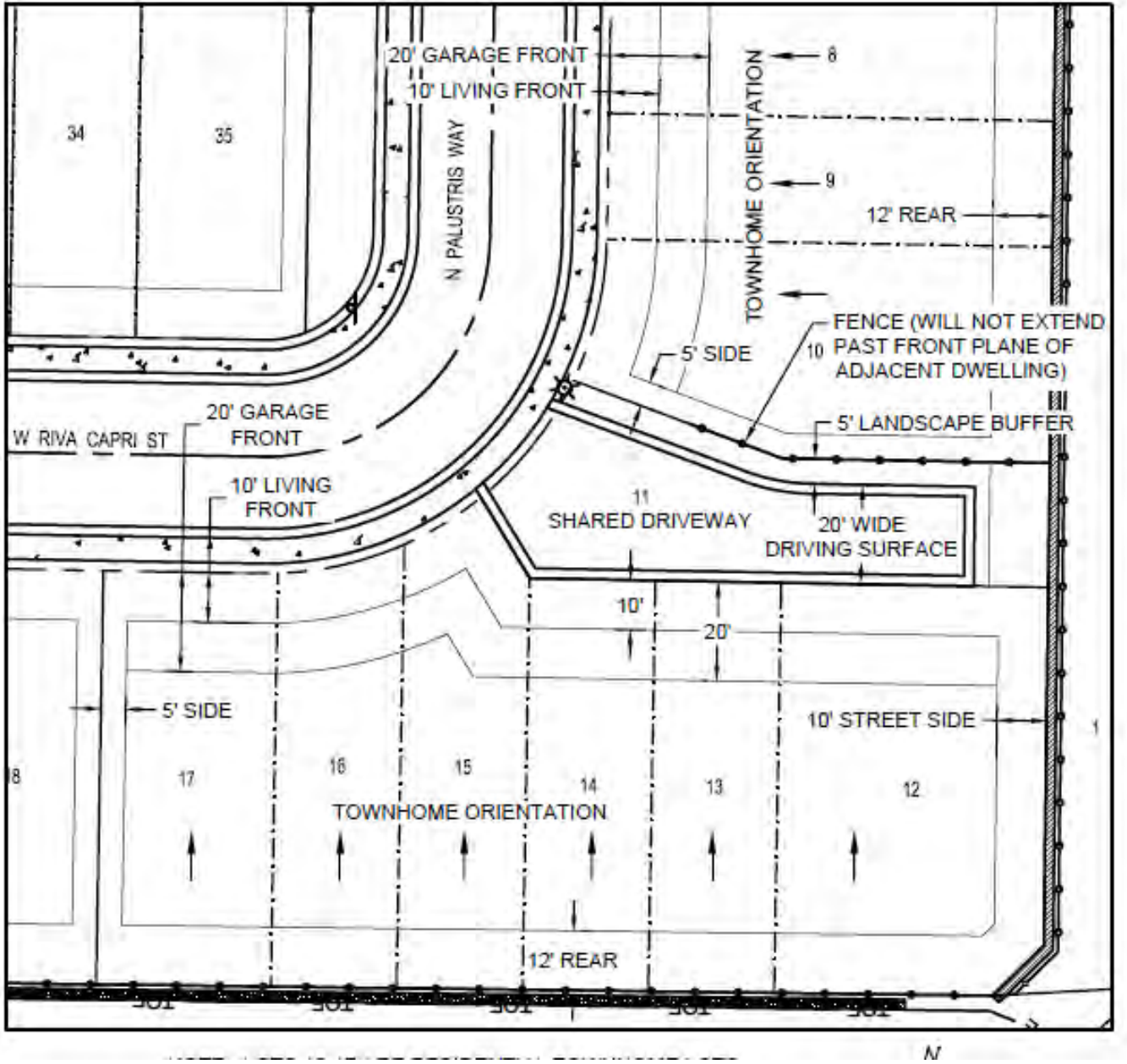
D. Proposed sound wall example.



E. Common Drive Exhibits



NOTE: LOTS 37-42 ARE RESIDENTIAL TOWNHOME LOTS.



VI. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Applicant shall meet all terms of the approved annexation (Development Agreement - Inst. # AZ 08-004, MDA #114030972) and preliminary plat (H-2020-0093) applications approved for this site.
2. The applicant shall construct the street buffers, pathways and sound attenuation wall along N. McDermott Rd. and W. McMillan Rd with the first phase of development.
3. The applicant shall obtain the City Engineer's signature on the subject final plat by January 5, 2023, within two years of the City Council's approval of the preliminary plat; or apply for a time extension, in accord with UDC 11-6B-7.
4. The director has approved alternative compliance from UDC 11-3H-D which requires noise attenuating walls/fencing to have a variation in color or texture or stagger every three hundred (300) linear feet as the wall is designed to resemble a fence rather than a concrete or block wall.
5. Prior to City Engineer signature on the final plat, the final plat prepared by Land Solutions, stamped by Clinton W. Hansen, dated: 01/06/2022, included in Section V.B shall be revised as follows:
 - a. Note 10, add Instrument Number.
 - b. Note 12, add Instrument Number.
6. The landscape plan, prepared by Stack Rock Group on January 7, 2022 is approved with the following revisions:
 - a. It should be clarified on the landscape plan that there is a 4 ft. high berm in addition to the noise wall along N. McDermott Rd.
 - b. All pathway lots shall be planted in accordance with UDC 11-3B-12 including a landscape strip a minimum of five (5) feet wide along each side of the pathway and shall.
7. The applicant shall preserve any existing trees on the subject property that are four-inch caliper or greater; or mitigate for the loss of such trees as set forth in UDC 11-3B-10C.
8. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B-5 and maintenance thereof as set forth in UDC 11-3B-13.
9. All townhouses are required to obtain design review approval prior to building permits in accord with UDC 11-5B-8.
10. Developer shall comply with all ACHD conditions of approval.
11. The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6.
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 does not relieve the applicant of responsibility for compliance.

B. PUBLIC WORKS

SITE SPECIFIC CONDITIONS:

1. Streetlights must be installed and operational, with approved record drawings submitted, before any form of occupancy.

GENERAL CONDITIONS:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
 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 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.
 16. 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.
 17. 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.
 18. 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.
 19. 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.
 20. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.

21. 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.
22. 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.
23. 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.
24. 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.