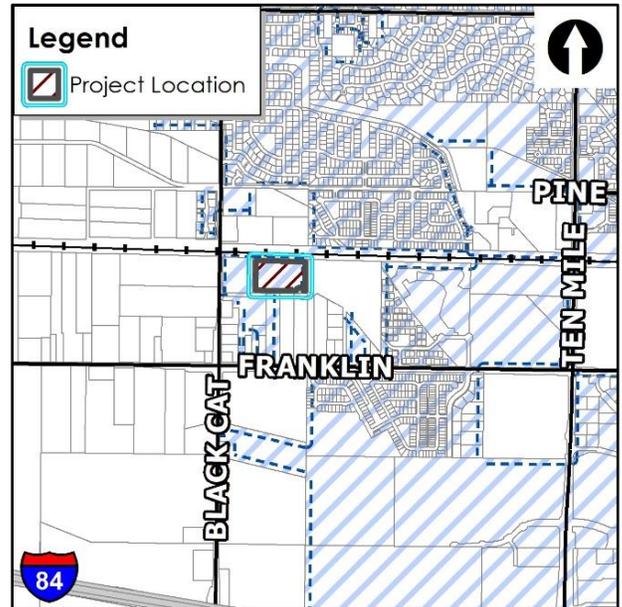


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 11/21/2023
TO: Mayor & City Council
FROM: Linda Ritter, Associate Planner
208-884-5533
SUBJECT: Aviation Subdivision FP-2023-0013

LOCATION: The site is located near the northeast corner of N. Black Cat Rd. and W. Franklin Rd., to the north and northeast of Compass Public Charter School, in the SW ¼ of the SW ¼ of Section 10, Township 3N., Range 1W.



I. PROJECT DESCRIPTION

Final Plat consisting of 48 buildable lots (6 single family attached lots, 31 townhomes lots 2 detached single-family, and 9 multi-family lots) 8 common lots, and 1 other lot on 9.8-acres of land in the R-15 zoning district. The Applicant also requests approval of private streets within the development (i.e. W. Director Ln.) for access to the proposed multi-family units.

II. APPLICANT INFORMATION

A. Applicant:

Jadon Schneider, Bronze Bow Land – 3625 N. Carr Lane, Garden City, ID 83714

B. Owner

Larry Jacobson, Aviation Park LLC, 6956 W. 13700 S, Herriman, UT 84096

C. Applicant Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat (H-2021-0096) as required by UDC 11-6B-3C.2. The submitted final plat is for the same number of building lots and common area as approved with the preliminary plat; therefore, the proposed plat is in substantial compliance with the approved preliminary plat as required.

Private Streets

Staff has reviewed the application for private streets within the development as shown on the final plat. The streets are proposed to be located in common lot in the subdivision and will connect to a local street; the point of connection of the private street to the public street is subject to approval by ACHD. The Fire Dept. has approved the request contingent upon both sides of the street being signed “No Parking Fire Lane.” No gates or other obstacles are proposed or approved at the entries of the private streets. The Director has tentatively approved the request subject to completion of the tasks listed in UDC [11-3F-3B](#) within one (1) year in accord with the Findings listed in Section VII below.

Alternative Compliance

The applicant has requested alternative compliance to the standards listed in UDC 11-3B-7C.3, which requires:

“All required landscape buffers along streets shall be designed and planted with a variety of trees, shrubs, lawn, or other vegetative ground cover. Plant materials in conjunction with site design shall elicit design principles including rhythm, repetition, balance, and focal elements.”

The request is for an alternate compliance for the required street buffer trees within the 20-foot buffer on the south side of the W. Aviator extension. Baron Properties, the developer to the south of the Aviator Subdivision project, is proposing to complete the landscaping improvements within the specified area as part of their own development project. They have submitted a formal letter committing to fulfilling the landscaping requirements for the southern frontage of W. Aviator Street. The argument presented in favor of this request is that Baron Properties' commitment to fulfilling this requirement would eliminate the need for duplicating efforts and could potentially achieve the intended goal of the regulation equally or even more effectively than the original requirement.

The applicant also requested an alternative compliance to the standards listed in UDC 11-3B-12-C.2 Pathway Landscaping which requires:

“The landscape strips shall be planted with a mix of trees, shrubs, lawn, and/or other vegetative ground cover. There shall be a minimum of one (1) tree per one hundred (100) linear feet of pathway. If this calculation results in a fraction of five (5) or greater, round up to an additional tree; if the calculation results in a fraction less than five (5), round the number down.”

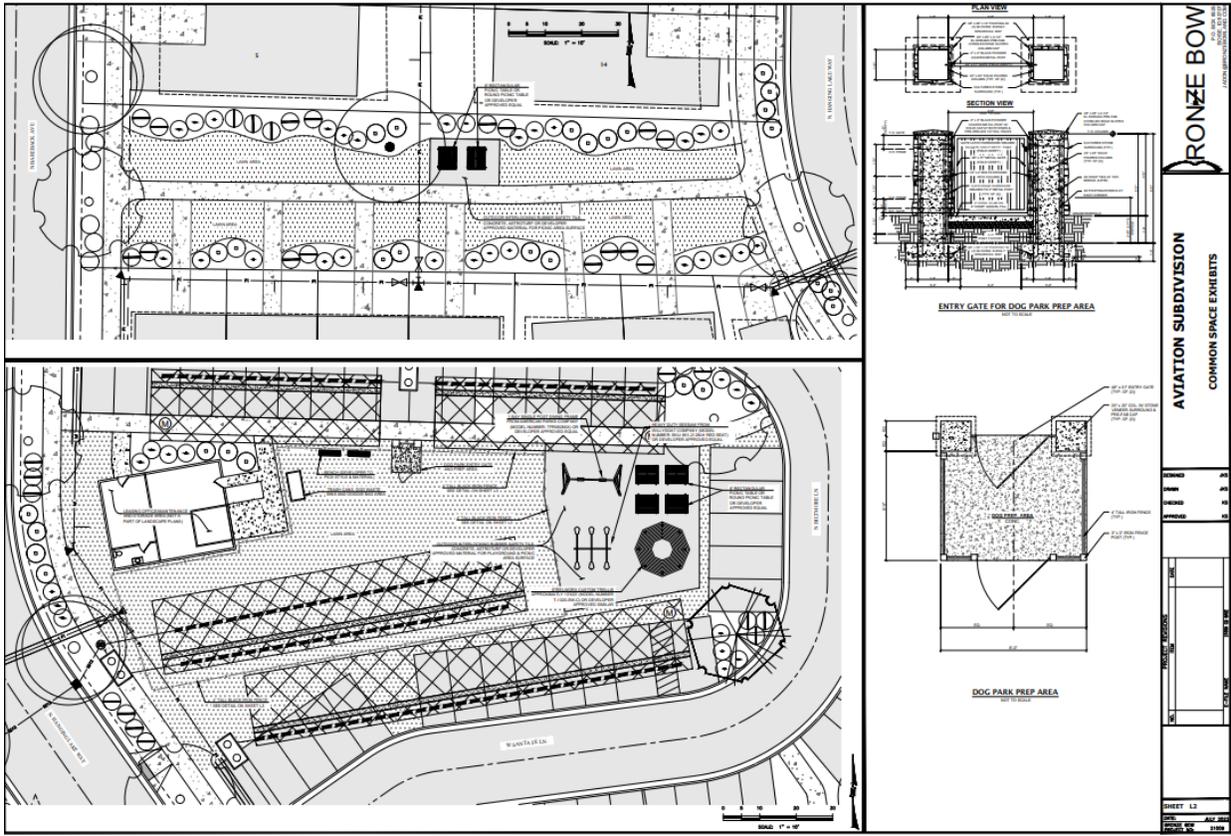
The area on the north side of West Topeka Street, within an easement granted to the Nampa & Meridian Irrigation District (NMID). Historically NMID has not permit trees within their easements. Due to this restriction, the applicant is making a request to exclude this area from the total required tree landscaping calculations. Instead, they propose utilizing it as a grassy area, which aligns with NMID's restrictions and is practical considering the historical context.

IV. DECISION

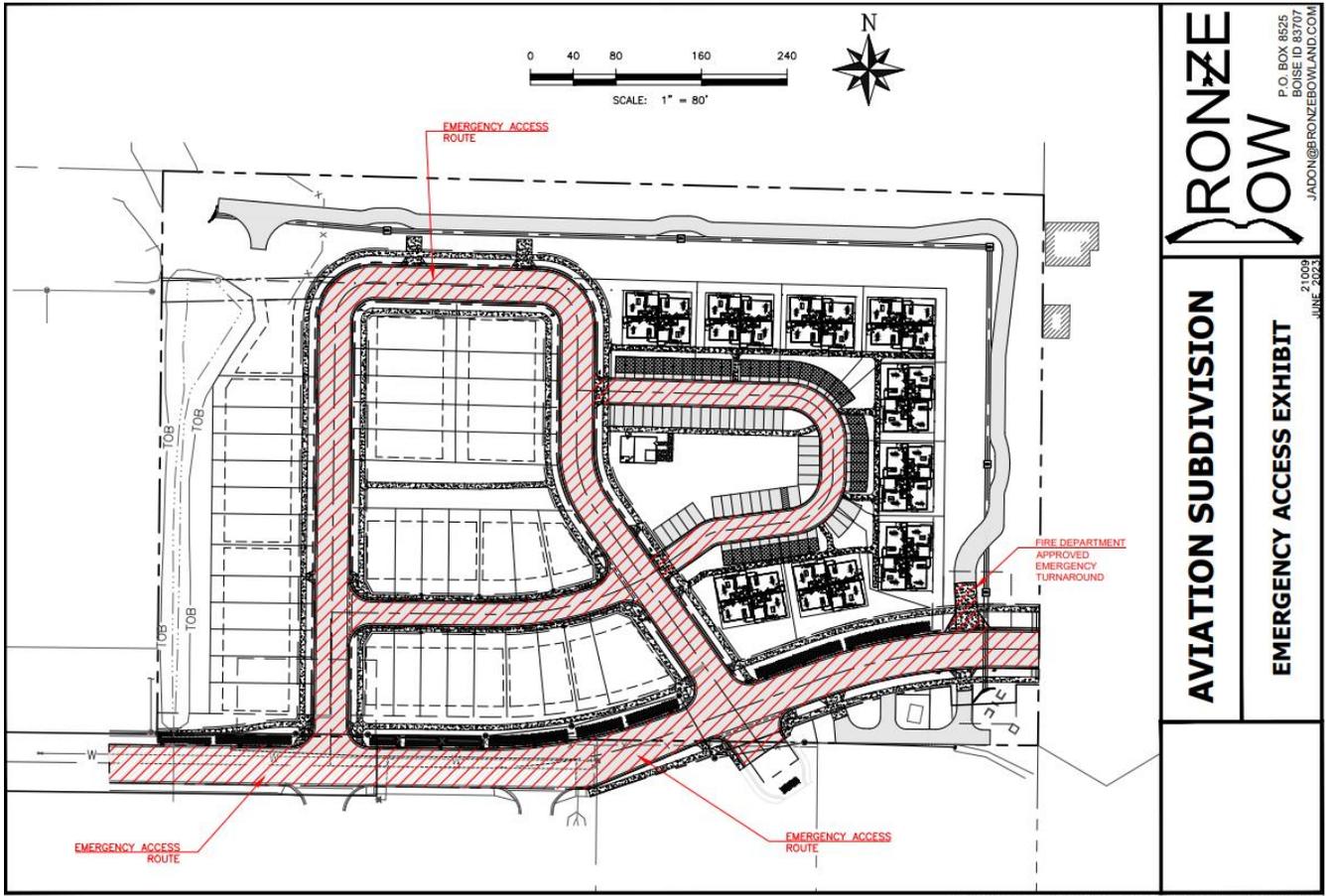
A. Staff:

Staff recommends approval of the proposed final plat with the conditions of approval in Section VI of this report. The Director has approved the request for private streets within the development per the conditions in Section VI.

D. Common Space Exhibit (7/31/2023)



E. Emergency Access Exhibit (date: 07/31/23)



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: H-2021-0096 (Preliminary Plat); H-2020-0111, Aviator Sub. CPAM, MDA, RZ; DA Inst. #2021-067235).
2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of the date of approval of the preliminary plat (i.e. by April 19, 2024), in accord with UDC 11-6B-7, in order for the preliminary plat to remain valid; or, a time extension may be requested.
3. Per City Council, no residential building permits shall be issued for the subject site until a means of secondary public road access is available to the site and approved by the Planning Division and Meridian Fire.
4. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.

5. The final plat shown in Section V.B, prepared by Idaho Survey Group, LLC, stamped on 09/18/23 by Cody M. McCammon, shall be revised prior to signature on the final plat by the City Engineer, as follows:

Plat Notes:

- a. Note #10: Include the recorded instrument number of the ACHD permanent easement.
 - b. Note #12: Include the recorded instrument number of the Purdam Gulch Drain easement.
 - c. Note #13: Add a recorded instrument number for the City of Meridian Sanitary Sewer easement.
 - d. Note #16: Include the recorded instrument number of the ACHD temporary easement.
 - e. Note #17: Include the recorded instrument number of the ACHD bridge/culvert maintenance easement.
 - f. Note #18: Include the recorded instrument number of the City of Meridian easement.
6. Prior to the City Engineer signature on the final plat, the applicant shall submit a license agreement from the Nampa Meridian Irrigation District (NMID) and provide a copy of a separate easement for the piped ditch.
 7. Applicant shall continue working with ACHD on the extension of W. Aviator Street, the Applicant shall extend W. Aviator to the east property boundary OR construct it to terminate no greater than 150 feet east of the proposed local street and provide a road trust to ACHD for the remaining portion of Aviator.
 8. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-7 for the R-15 zoning district and those listed in the specific use standards for multi-family development, UDC 11-4-3-27.
 9. Future development shall comply with UDC 11-3A-7 and UDC 11-3A-6 for any future fencing constructed within the development.
 10. The Applicant shall comply with all ACHD conditions of approval.
 11. The Applicant shall obtain Administrative Design Review approval for the single-family attached units and townhome units prior to building permit submittal.
 12. The Applicant shall obtain Certificate of Zoning Compliance and Administrative Design Review approval for the multi-family development prior to building permit submittal.
 13. The landscape plan prepared by Paul Norberg, dated 09/12/2023, included in Section V.C, shall is approved as submitted.
 14. The private streets are approved subject to completion of the tasks listed in UDC [11-3F-3](#) within one year. Documentation of such shall be submitted to the Planning Division in order to receive final approval.
 15. The private streets within the development shall be 26-feet wide and constructed in accord with the standards listed in UDC [11-3F-4B.2](#). Gates or other obstacles restricting access are not approved.
 16. Submit documentation from ACHD that they have approved the point of connection of the private streets to the public streets as required by UDC [11-3F-4A.2](#) with submittal of the final plat for City Engineer signature.

17. "No Parking Fire Lane" signs shall be erected on both sides of the private streets within the development per requirement of the Fire Dept. and UDC [11-3F-4B.2d](#).
18. 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/Browse.aspx?id=310491&dbid=0&repo=MeridianCity>

C. IDAHO TRANSPORTATION DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=311210&dbid=0&repo=MeridianCity&cr=1>