

BEFORE THE MERIDIAN CITY COUNCIL

**HEARING DATE: 11/14/23
ORDER APPROVAL DATE: 12/5/23**

**IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF THREE (3))
BUILDING LOTS ON 4.22 ACRES)
OF LAND IN THE C-G ZONING)
DISTRICT FOR TM CENTER)
SUBDIVISION NO. 2.)
)
**BY: BRIGHTON DEVELOPMENT,)
INC.)
APPLICANT)**
_____)
)**

**CASE NO. FP-2023-0018
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT**

This matter coming before the City Council on November 14, 2023 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 SUBDIVISION NO. 2, LOCATED IN A PORTION OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, B.M., CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2023, HANDWRITTEN DATE:

08/30/23, by RON WRIGHT, 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 November 14, 2023, 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 _____, 2023.

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: _____

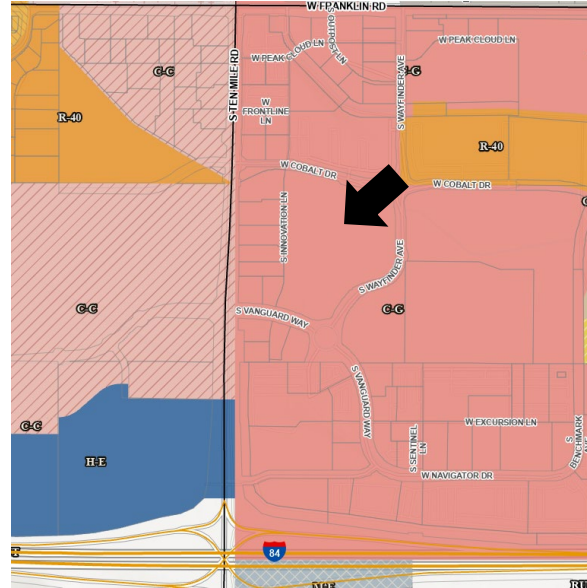
EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



DATE: 11/14/2023
TO: City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: FP-2023-0018
TM Center No. 2

PROPERTY LOCATION:
East of S. Ten Mile Rd. at the northwest
corner of S. Vanguard Way and S.
Wayfinder Ave., in the NW ¼ of Section
14, T.3N., R.1W. (Parcel
#S1214233700)



I. PROJECT DESCRIPTION

Final plat consisting of three (3) building lots on 4.22 acres of land in the C-G zoning district for TM Center Subdivision No. 2.

Note: The proposed final plat is actually the sixth phase of the TM Center Subdivision preliminary plat (H-2020-0074). [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); TM Center Sub. 1 (4th phase FP-2022-0009); and TM Center East No. 1 (5th phase FP-2022-0009.)]

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 preliminary plat (H-2020-0074) as required by UDC 11-6B-3C.2. The proposed final plat depicts fewer buildable lots than shown on the approved preliminary plat. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary as required by UDC 11-6B-3C.

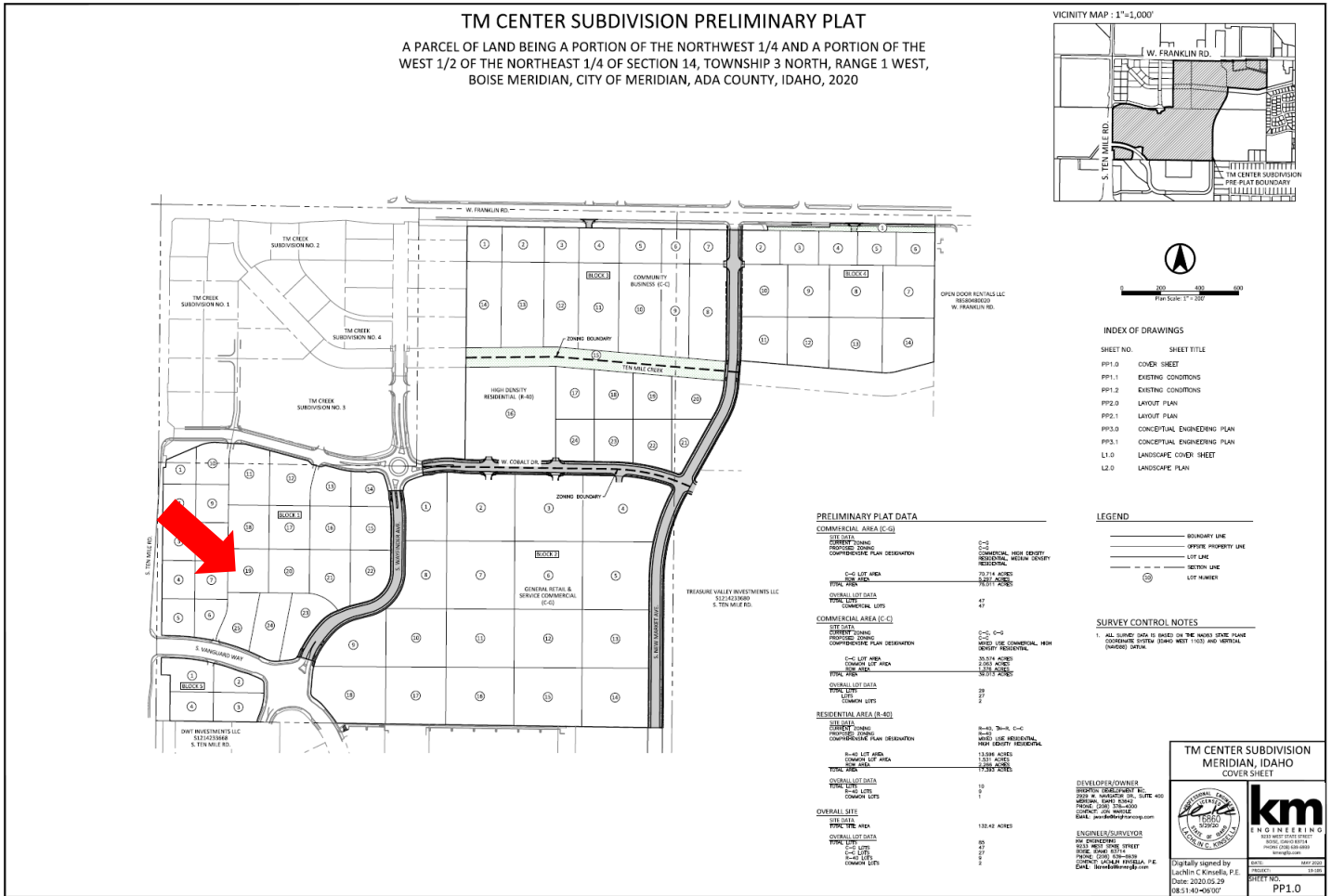
IV. DECISION

A. Staff:

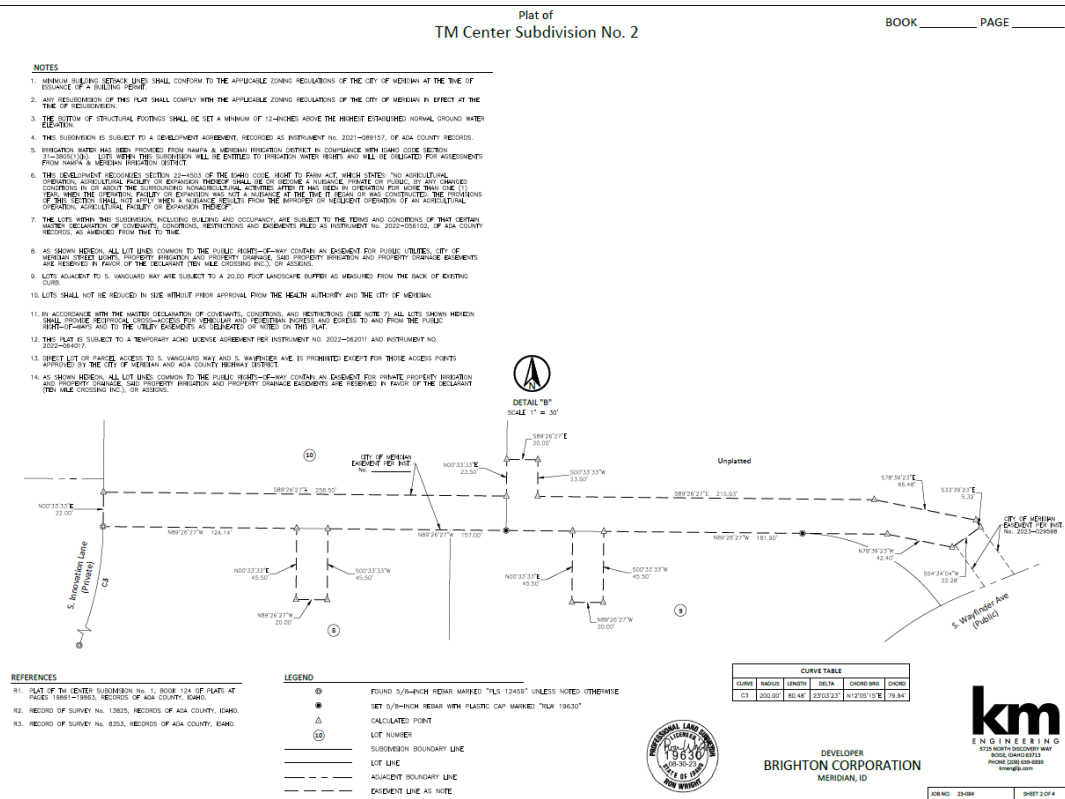
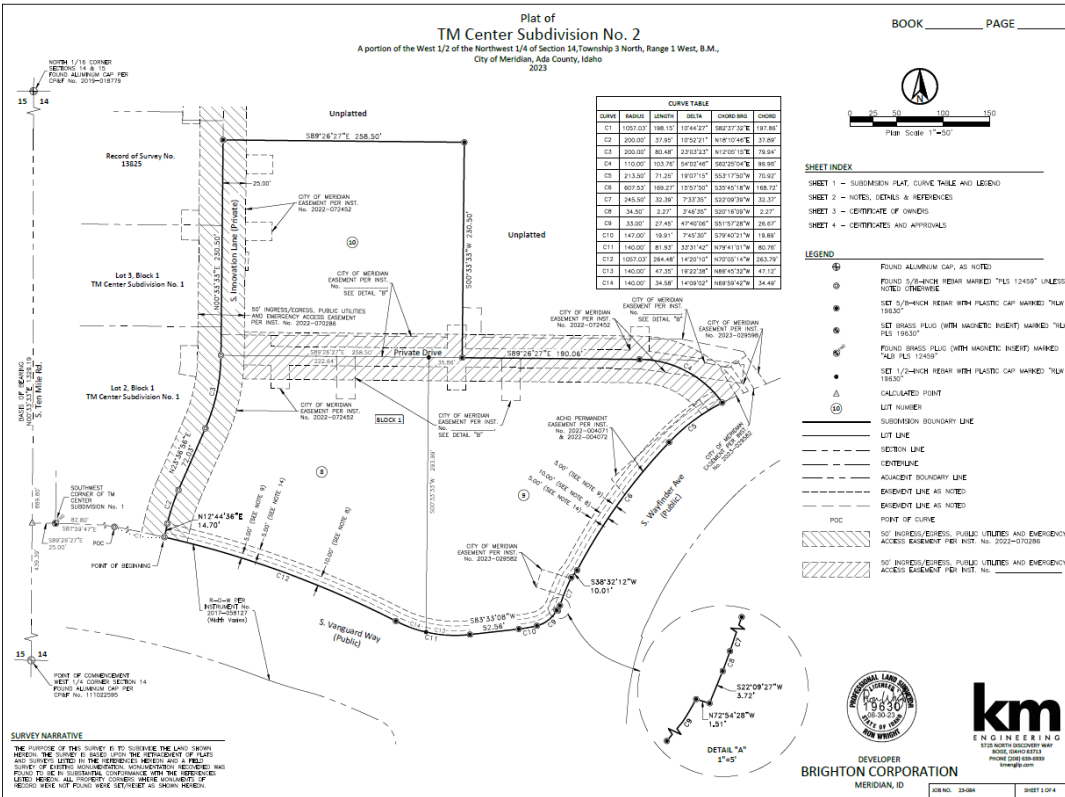
Staff recommends approval of the proposed final plat with the conditions of approval in Section VII of this report.

V. EXHIBITS

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



B. Final Plat (dated: 8/30/23)



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 [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 8/30/23 by Ron Wright, included in Exhibit B shall be revised as follows:
 - a. Include the recorded instrument number of the City of Meridian easement depicted on Lots 8, 9 and 10, Block 1 (detail B).
 - b. In the Legend, include the recorded instrument number of the 50' ingress/egress, public utilities and emergency access easement.
 - c. Note #9: Include S. Wayfinder Ave. as it's also a collector street and subject to a 20-foot wide street buffer. Include a note stating the buffers will be maintained by the property owner or business owner's association, as applicable.
5. The landscape plan prepared by KM Engineering, dated 6/17/22 included in Exhibit C, is approved as submitted.
6. Provide an update to the City from Valley Regional Transit (VRT) on the public transit needs in this area as outlined in provision #5.1(6) in the Development Agreement.
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=309659&dbid=0&repo=MeridianCity>

C. Idaho Transportation Department (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=309705&dbid=0&repo=MeridianCity>

D. Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=309950&dbid=0&repo=MeridianCity>