

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 7/25/2023
TO: Mayor & City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: Apex Northwest Subdivision No. 4 - FP
[FP-2023-0010](#)
LOCATION: Generally located 1/2 mile east of S. Meridian Rd./SH-69 and 1/8 mile north of E. Lake Hazel Rd., in the SE 1/4 of Section 31, T.3N., R.1E.



I. PROJECT DESCRIPTION

Final plat consisting of 55 residential lots and 9 common lots on 12.64 acres of land in the R-8 zoning district.

II. APPLICANT INFORMATION

A. Applicant:

Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

B. Owner

Michael Hall, SCS Investments, LLC – 855 W. Broad Street, Ste. 300, Boise, ID 83702

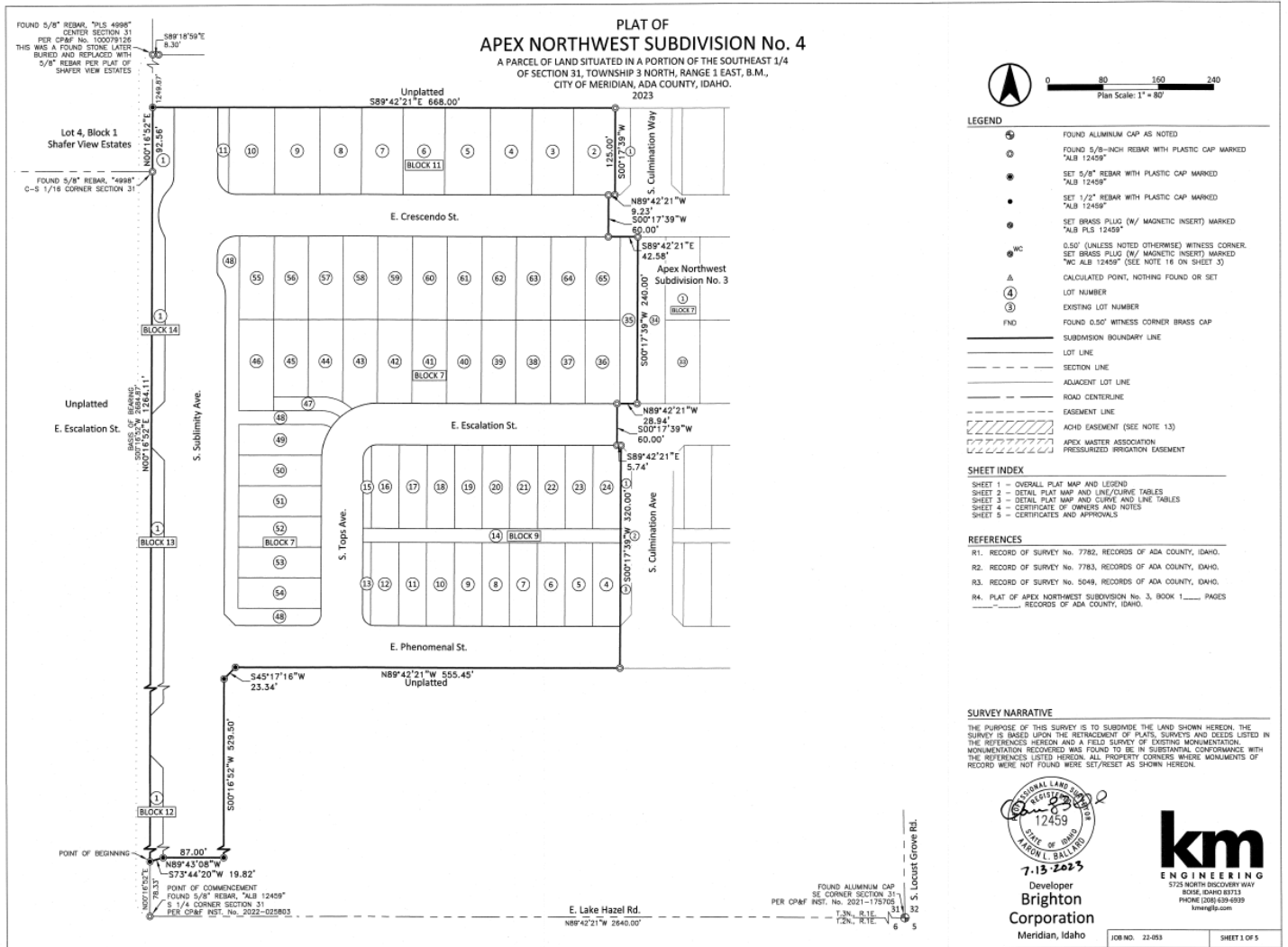
C. Applicant Representative:

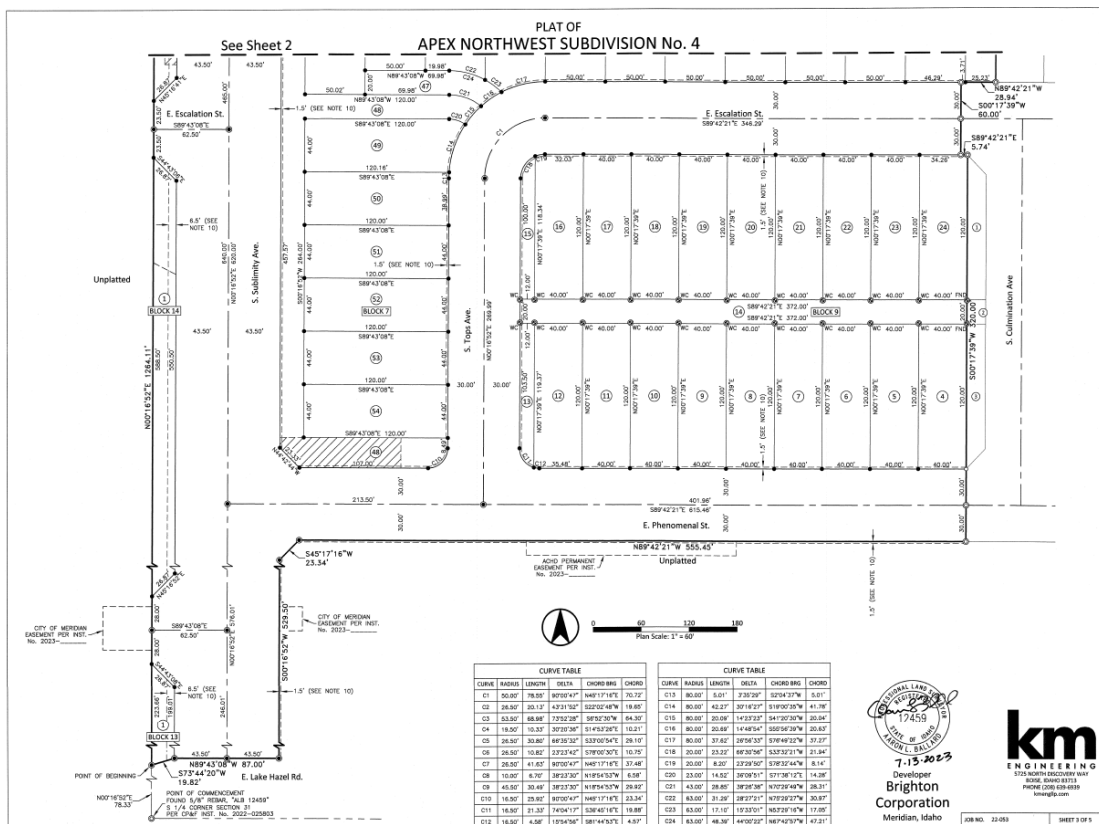
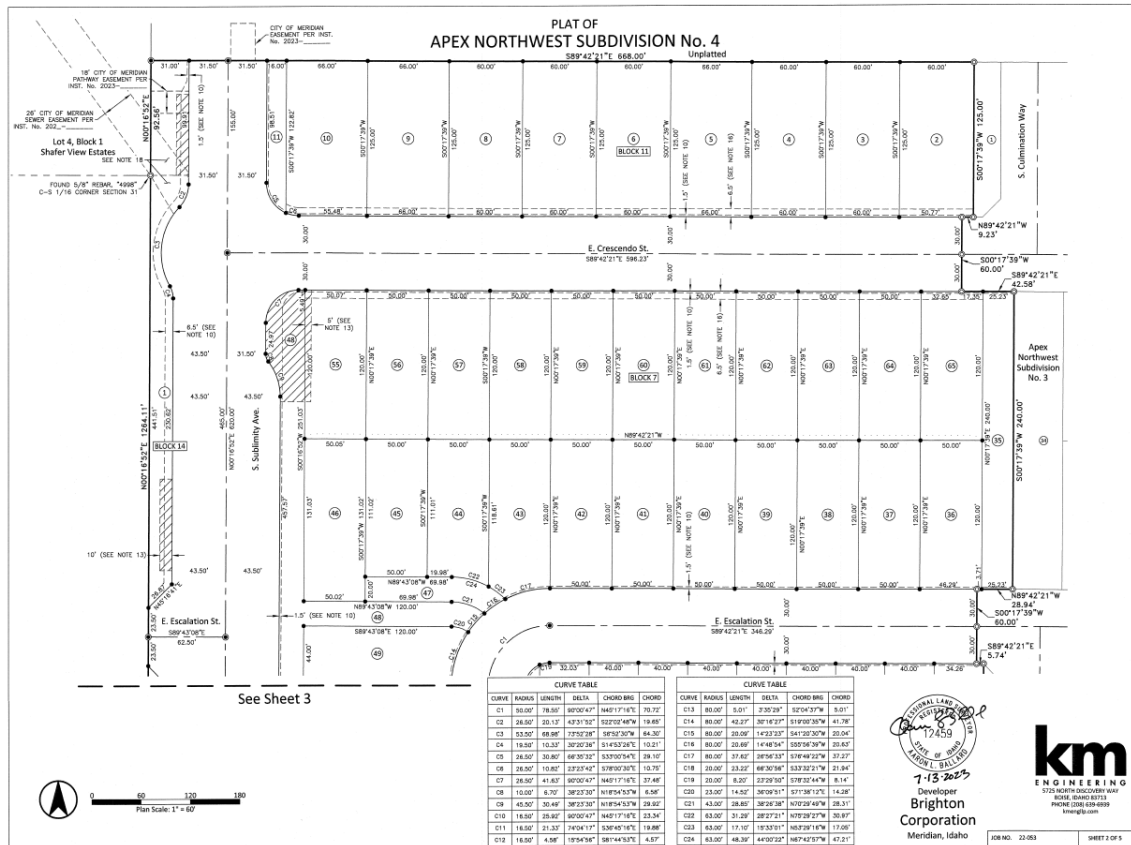
Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the approved preliminary plat ([H-2021-0087](#), DA Inst. #[2020-178120](#) Apex West) as required by UDC 11-6B-3C.2. The submitted final plat is for the same number of building lots and common open space area approved with the preliminary plat; therefore, the proposed plat is in substantial compliance with the approved preliminary plat as required.

B. Final Plat (date: 7/13/2023)





PLAT OF
APEX NORTHWEST SUBDIVISION No. 4

CERTIFICATE OF OWNERS

KNOW ALL MEN/WOMEN BY THESE PRESENTS: THAT THE UNDERSIGNED IS THE OWNER OF THE REAL PROPERTY HEREAFTER DESCRIBED:
A PARCEL OF LAND SITUATED IN A PORTION OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 3 NORTH, RANGE 1 EAST, B.M., CITY OF MERIDIAN, ADA COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A 5/8-INCH REBAR MARKING THE SOUTH 1/4 CORNER OF SAID SECTION 31, WHICH BEARS S00°16'52"W A DISTANCE OF 2,684.87 FEET FROM A FOUND 5/8-INCH REBAR MARKING THE CENTER OF SAID SECTION 31;
THENCE FOLLOWING THE WESTERLY LINE OF SAID SOUTHEAST 1/4 OF SECTION 31, N00°16'52"E A DISTANCE OF 78.33 FEET TO A SET 5/8-INCH REBAR BEING THE POINT OF BEGINNING;
THENCE FOLLOWING SAID WESTERLY LINE, N00°16'52"E A DISTANCE OF 1,264.11 FEET TO A FOUND 5/8-INCH REBAR BEING THE CENTER-SOUTH 1/16 CORNER OF SAID SECTION 31;
THENCE FOLLOWING SAID WESTERLY LINE, N00°16'52"E A DISTANCE OF 92.56 FEET TO A SET 5/8-INCH REBAR;
THENCE LEAVING SAID WESTERLY LINE, S89°42'21"E A DISTANCE OF 668.00 FEET TO A FOUND 5/8-INCH REBAR MARKING THE NORTHWEST CORNER OF APEX NORTHWEST SUBDIVISION NO. 3 (BOOK _____ PAGES _____ RECORDS OF ADA COUNTY, IDAHO);
THENCE FOLLOWING THE SUBDIVISION BOUNDARY OF SAID APEX NORTHWEST SUBDIVISION NO. 3 THE FOLLOWING NINE (9) COURSES:
1. S00°17'39"W A DISTANCE OF 125.00 FEET TO A FOUND 5/8-INCH REBAR;
2. N89°42'21"W A DISTANCE OF 6.23 FEET TO A FOUND 5/8-INCH REBAR;
3. S00°17'39"W A DISTANCE OF 60.00 FEET TO A FOUND 5/8-INCH REBAR;
4. S89°42'21"E A DISTANCE OF 43.08 FEET TO A FOUND 5/8-INCH REBAR;
5. S00°17'39"W A DISTANCE OF 240.00 FEET TO A FOUND 5/8-INCH REBAR;
6. N89°42'21"W A DISTANCE OF 28.94 FEET TO A FOUND 5/8-INCH REBAR;
7. S00°17'39"W A DISTANCE OF 60.00 FEET TO A FOUND 5/8-INCH REBAR;
8. S89°42'21"E A DISTANCE OF 5.74 FEET TO A FOUND 5/8-INCH REBAR;
9. S00°17'39"W A DISTANCE OF 330.00 FEET TO A FOUND 5/8-INCH REBAR;
THENCE LEAVING SAID SUBDIVISION BOUNDARY, N89°42'21"W A DISTANCE OF 555.45 FEET TO A SET 5/8-INCH REBAR;
THENCE S48°17'16"W A DISTANCE OF 23.34 FEET TO A SET 5/8-INCH REBAR;
THENCE S02°18'52"W A DISTANCE OF 329.50 FEET TO A SET 5/8-INCH REBAR ON THE NORTHERLY RIGHT-OF-WAY LINE OF E. LAKE HAZEL RD.;
THENCE FOLLOWING SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:
1. N89°45'08"W A DISTANCE OF 87.00 FEET TO A SET 5/8-INCH REBAR;
2. S73°44'20"W A DISTANCE OF 18.82 FEET TO THE POINT OF BEGINNING;
SAID DESCRIPTION CONTAINS A TOTAL OF 13.928 ACRES, MORE OR LESS.
IT IS THE INTENTION OF THE UNDERSIGNED TO HEREBY INCLUDE SAID LAND IN THIS PLAT. THE EASEMENTS SHOWN ON THIS PLAT ARE NOT CREATED TO THE PUBLIC BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS SHOWN ON THIS PLAT. NO STRUCTURES OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERECTED WITHIN THE LIMITS OF SAID EASEMENTS UNLESS NOTED OTHERWISE ON THIS PLAT. THE UNDERSIGNED, BY THESE PRESENTS, DEDICATES TO THE PUBLIC ALL PUBLIC STREETS AS SHOWN ON THIS PLAT. ALL LOTS WITHIN THIS PLAT WILL RECEIVE WATER SERVICE FROM THE CITY OF MERIDIAN AND THE CITY OF MERIDIAN HAS AGREED IN WRITING TO SERVE ALL OF THESE LOTS.

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 RESUBMISSION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MERIDIAN IN EFFECT AT THE TIME OF RESUBMISSION.
3. IRRIGATION WATER HAS BEEN PROVIDED FROM BOISE-JUNA IRRIGATION DISTRICT IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(b). LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM BOISE-JUNA IRRIGATION DISTRICT.
4. THIS DEVELOPMENT RECOGNIZES SECTION 22-4003 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 NEGLECTED OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
5. LOTS 38 AND 48, BLOCK 7, LOTS 13 AND 15, BLOCK 9, LOT 11, BLOCK 11, AND LOT 1, BLOCKS 12, 13, AND 14 ARE DESIGNATED AS A COMMON LOTS AND SHALL BE OWNED AND MAINTAINED BY THE PRINCIPLE HOMEOWNERS ASSOCIATION INC. THESE COMMON LOTS ARE SUBJECT TO A BLANKET EASEMENT FOR PUBLIC UTILITIES, STORM DRAINAGE AND HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION.
6. ALL LOT LINES COMMON TO THE PUBLIC RIGHTS-OF-WAY AND ALLEYS CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, CITY OF MERIDIAN STREET LIGHTS, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
7. UNLESS OTHERWISE DIMENSIONED, ALL LOT LINES COMMON TO THE SUBDIVISION BOUNDARY AND ALL REAR LOT LINES CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
8. ALL INTERIOR LOT LINES CONTAIN A 5.00 FOOT WIDE EASEMENT, EACH SIDE, FOR PUBLIC UTILITIES, HOMEOWNER'S ASSOCIATION PRESSURIZED IRRIGATION AND LOT DRAINAGE.
9. THIS PLAT IS SUBJECT TO AN ACHO LANDSCAPE LICENSE AGREEMENT PER INSTRUMENT No. 2022-017743 OF ADA COUNTY RECORDS.
10. THIS PLAT IS SUBJECT TO AN ACHO PUBLIC RIGHT-OF-WAY EASEMENT (SIDEWALK) PER INSTRUMENT No. 2022-_____, AND 2023-_____, RECORDS OF ADA COUNTY, IDAHO.
11. THE BOTTOM OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12-INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUND WATER ELEVATION.
12. MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY OR HOMEOWNER'S ASSOCIATION.
13. PORTIONS OF LOTS 48 AND 55, BLOCK 7, AND LOT 1, BLOCK 15 ARE SERVIENT TO AND CONTAIN THE ACHO 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. 2015-103256, 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 ACHO PURSUANT TO SECTION 40-2302, IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.
14. THIS SUBDIVISION IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS THAT ARE FILED FOR RECORD AT THE ADA COUNTY RECORDER'S OFFICE AS INSTRUMENT No. 2022-031623, AND MAY BE AMENDED FROM TIME TO TIME.
15. THE WITNESS CORNERS SHOWN HEREON ARE 0.50' WITNESS CORNERS AND ARE SET AS FOLLOWS:
A) THE WITNESS CORNERS FOR LOTS 13-24, BLOCK 8 ON THE SOUTH SIDE OF SAID LOTS ARE SET S00°17'39"W A DISTANCE OF 0.50 FEET FROM CALCULATED POSITION.
B) THE WITNESS CORNERS FOR LOTS 4-13, BLOCK 8 ON THE NORTH SIDE OF SAID LOTS ARE SET N00°17'39"E A DISTANCE OF 0.50 FEET FROM CALCULATED POSITION.
16. ALL LOTS ADJACENT TO E. CRESSENDO ST. ARE SUBJECT TO A 6.50' LANDSCAPE BUFFER EASEMENT. SEE COVENANTS, CONDITIONS AND RESTRICTIONS FOR LANDSCAPE MAINTENANCE REQUIREMENTS.
17. LOT 47, BLOCK 7 (COMMON LOT) IS SUBJECT TO A BLANKET EASEMENT FOR A COMMON DRIVE TO PROVIDE ACCESS TO LOTS 44, 45, AND 46, BLOCK 7 ONLY. SAID COMMON LOT SHALL BE PAVED AND CAPABLE OF SUPPORTING EMERGENCY VEHICLES AND EQUIPMENT AS REQUIRED BY MERIDIAN CITY CODE. THE COMMON DRIVES SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
18. A PORTION OF LOT 1, BLOCK 15 IS SUBJECT TO A CITY OF MERIDIAN SEWER EASEMENT PER INSTRUMENT No. 202-_____, AND 202-_____, RECORDS OF ADA COUNTY, IDAHO.
19. DIRECT LOT OR PARCEL ACCESS TO S. CULMINATION AVE OR E. LAKE HAZEL RD. IS PROHIBITED.

CERTIFICATE OF SURVEYOR

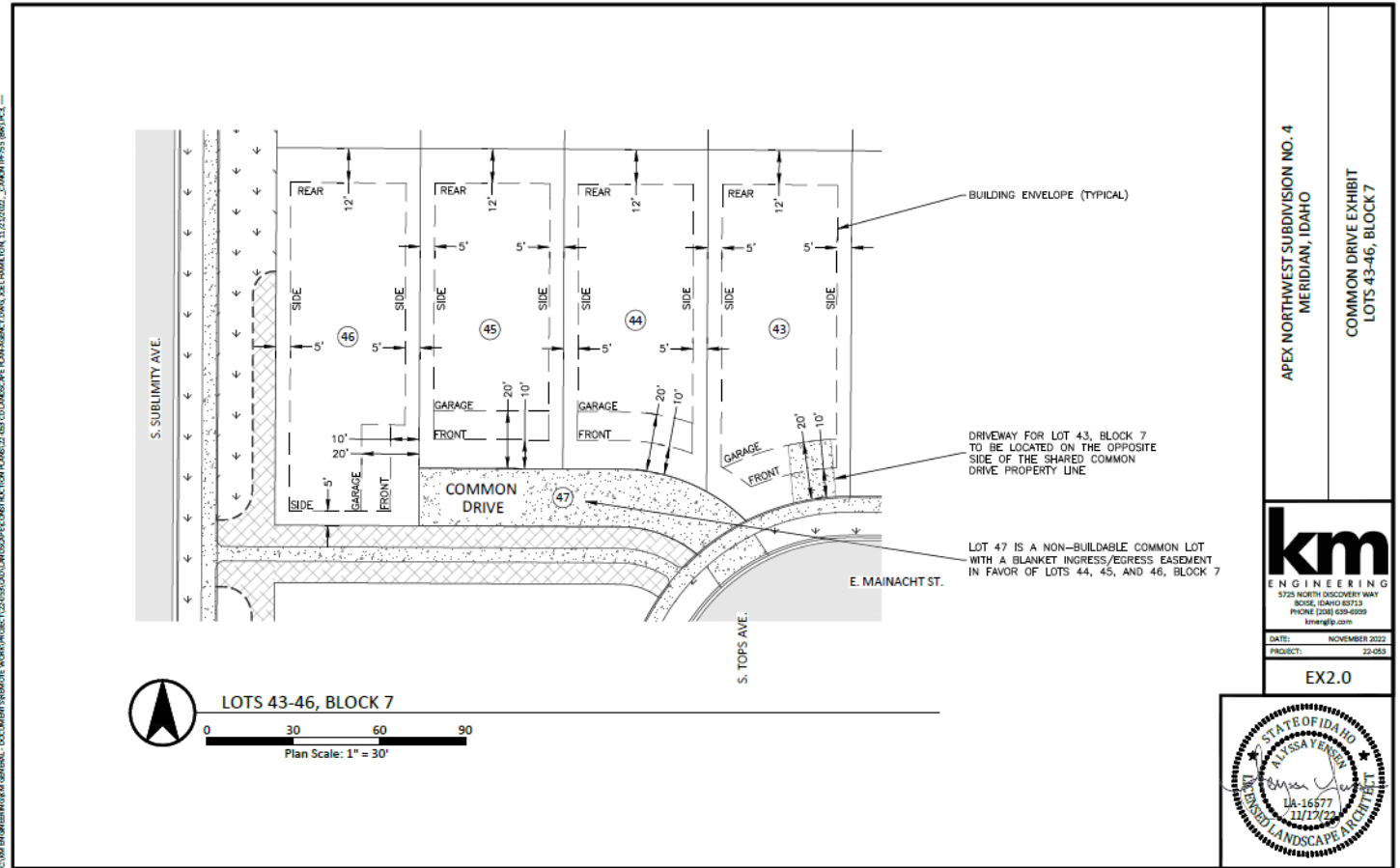
I, AARON L. BALLARD, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT OF APEX NORTHWEST SUBDIVISION No. 4 AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" AND AS SHOWN ON THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

AARON L. BALLARD, P.L.S. 12459

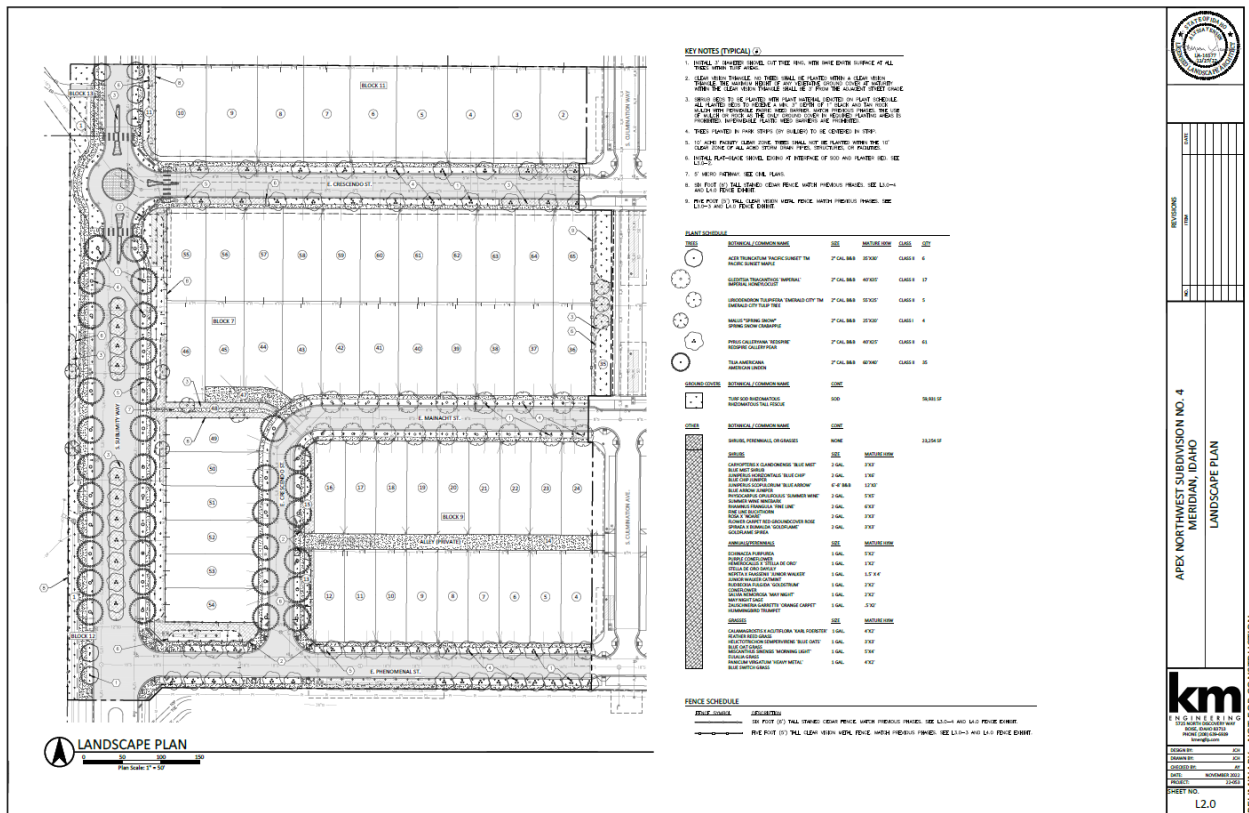
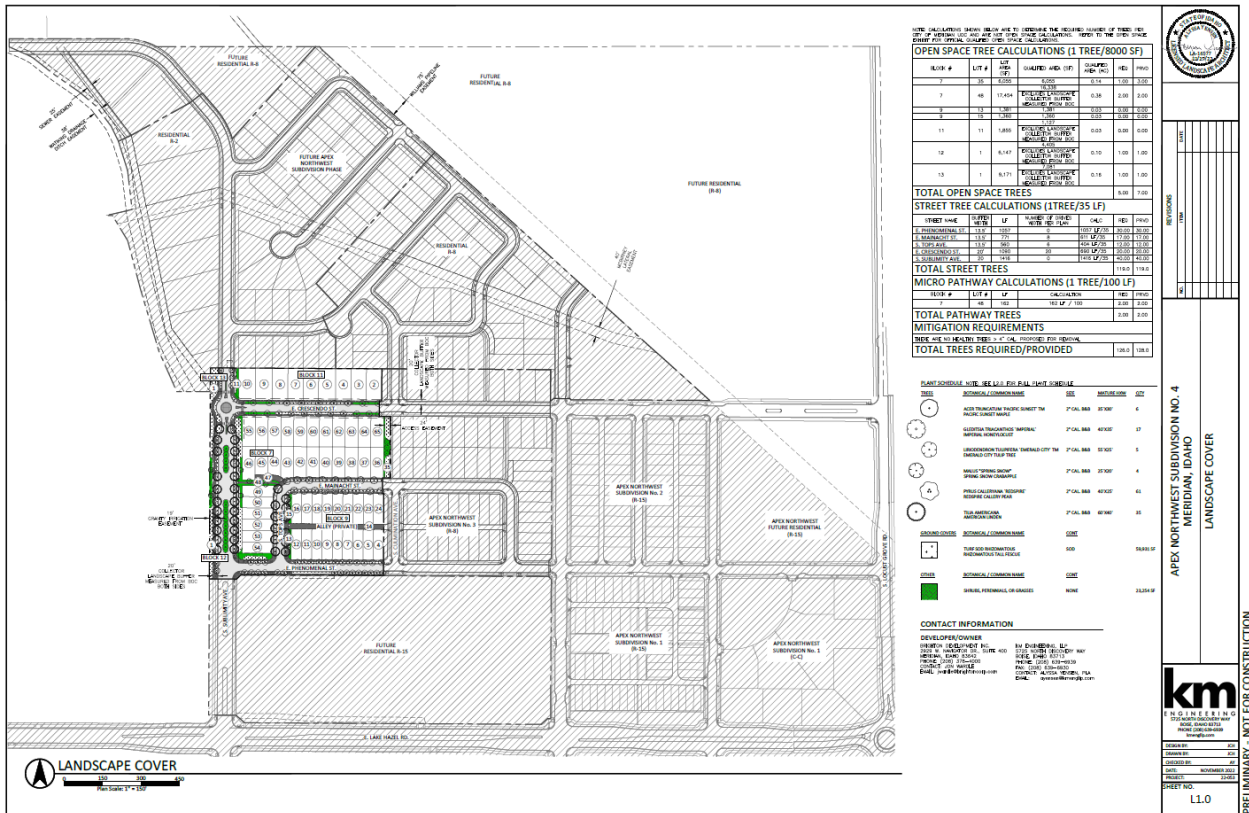


JOB NO. 22-053 SHEET 4 OF 5

C. Common Driveway Exhibit



D. Landscape Plan (date: 11/17/22)



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-2021-0087](#) (preliminary plat) and Development Agreement Inst. #[2020-178120](#) Apex West; and [H-2020-0117](#) Development Agreement Inst. #[2021-102396](#) Shafer View Terrace.
2. The applicant shall obtain the City Engineer's signature on the final plat within two (2) years of City Council's approval of the previous phase final plat, in accord with UDC 11-6B-7, in order for the preliminary plat to remain valid; or, a time extension may be requested.
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 shown in Section V.B, prepared by KM Engineering, stamped on 07/13/23 by Aaron L. Ballard, shall be revised prior to signature on the final plat by the City Engineer, as follows:
 - a. Note #10: Include recorded instrument numbers of public right-of-way easement (sidewalk).
 - b. Note #13: ". . . and Lot 1, Block ~~45~~ 14 . . ."
 - c. Delete Note #16. *This section of E. Crescendo St. is not designated as a collector street on the Master Street Map; a street buffer is not required.*
 - d. Note #18: ". . . Lot 1, Block ~~45~~ 14 . . ." – Include recorded instrument number of City of Meridian sewer easement.
 - e. Note #19: "Direct lot or parcel access to ~~S. Culmination Ave. or E. Lake Hazel Rd. S. Sublimity Ave.~~ is prohibited." *No lots abut S. Culmination Ave. or Lake Hazel Rd.; Sublimity is a designated residential collector street.*
 - f. Include the recorded instrument number of the City of Meridian easement graphically depicted on the plat.
 - g. Include the recorded instrument number of the City of Meridian pathway easement graphically depicted on the plat.
 - h. Include the recorded instrument number of the City of Meridian sewer easement graphically depicted on the plat.
5. The landscape plan shown in Section V.D, prepared by KM Engineering, dated 11/17/22 and stamped by Alyssa Yensen, shall be revised prior to signature on the final plat by the City Engineer, as follows:
 - a. Depict additional landscaping within street buffers as set forth in UDC [11-3B-7C](#). *Note: These standards were recently revised.*
 - b. All required landscape areas shall be at least 70% covered with vegetation at maturity, with mulch used under and around the plants in accord with UDC [11-3B-5N](#). Either depict detailed landscaping in the areas where a cross-hatch symbol is used for shrubs, perennials or grasses that demonstrates compliance with this requirement; or, include a note in the plant schedule for the cross-hatched area that states compliance with this standard.

- c. Include the entire boundary of the final plat in the landscape plan (i.e. include landscaping along the west side of S. Sublimity Ave. to the south of E. Phenomenal St.).
6. Future development shall be consistent with the minimum dimensional standards listed in UDC Table [11-2A-6](#) for the R-8 zoning district.
7. Off-street parking is required to be provided for all residential units in accord with the standards listed in [UDC Table 11-3C-6](#) based on the number of bedrooms per unit.
8. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council.
9. Homes on lots that abut the collector street (i.e. S. Sublimity Ave.) will be highly visible; therefore, the rear and/or side of structures on these lots (i.e. Lots 46 and 49-55, Block 7 and Lot 10, Block 11) should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
10. Comply with the standards for common driveways listed in UDC [11-6C-3D](#).
11. Comply with the standards for alleys listed in UDC [11-6C-3B.5](#).
12. 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=301650&dbid=0&repo=MeridianCity>