

**BEFORE THE MERIDIAN CITY COUNCIL**

**HEARING DATE: JANUARY 4, 2022  
ORDER APPROVAL DATE: JANUARY 18, 2022**

**IN THE MATTER OF THE )  
REQUEST FOR A TWO (2) YEAR )  
TIME EXTENSION ON THE )  
PRELIMINARY PLAT FOR )  
BILTMORE ESTATES )  
SUBDIVISION IN ORDER TO )  
OBTAIN THE CITY ENGINEER’S )  
SIGNATURE ON THE FINAL )  
PLAT, LOCATED IN THE NORTH )  
½ OF SECTION 25, T.3N., R.1W, )  
MERIDIAN, IDAHO )  
BY: ENGINEERING SOLUTIONS )**

**CASE NO. TECC-2021-0001  
ORDER OF CONDITIONAL  
APPROVAL OF TIME EXTENSION**

**APPLICANT**

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This matter coming on regularly before the City Council on January 4, 2022, upon the Applicant’s submittal of a preliminary plat time extension application for a two (2) year extension within which to obtain the City Engineer’s signature on a final plat for Biltmore Estates Subdivision, which preliminary plat (PP-14-0004) was originally approved on May 20, 2014, as provided in Unified Development Code § 11-6B-7C, and good cause shown. An administrative time extension (A-2019-0366) for two (2) years was previously approved for this subdivision by the Planning Director on January 24, 2020 and would have otherwise expired on December 18, 2021.

**IT IS HEREBY ORDERED THAT:**

**ORDER OF CONDITIONAL APPROVAL OF TIME EXTENSION  
FOR BILTMORE ESTATES TECC-2021-0001**

The above-named Applicant is granted an additional two (2) year extended period of time, until December 18, 2023, within which to obtain the City Engineer's signature on the next final plat, subject to the conditions of approval as shown in the attached Staff Report for the hearing date of January 4, 2022 incorporated by reference as Exhibit A.

Attached: Staff Report for the hearing date of January 4, 2022 (Exhibit A)

By the action of the City Council at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor ROBERT SIMISON

Attest:

\_\_\_\_\_  
Chris Johnson, City Clerk

Copy served upon the Applicant, Planning Division, Public Works Department, and City Attorney.

BY: \_\_\_\_\_ Dated: \_\_\_\_\_



C. Representative:

Shari Stiles, Engineering Solutions – 1029 N. Rosario St., Ste. 100, Meridian, ID 83642

**IV. NOTICING**

	<b>City Council Posting Date</b>
Notification published in newspaper	12/14/2021
Notification mailed to property owners within 300 feet	12/17/2021
Applicant posted public hearing notice on site	12/19/2021
Nextdoor posting	12/17/2021

**V. UNIFIED DEVELOPMENT CODE ANALYSIS ([UDC](#))**

*Per UDC 11-6B-7C, “Upon written request and filing by the applicant prior to the termination of the period in accord with subsections A and B of this section, the director may authorize a single extension of time to obtain the city engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the director or city council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of this title.”*

**VI. STAFF ANALYSIS**

The Applicant requests approval of a 2-year time extension on the preliminary plat in order to obtain the City Engineer’s signature on the final plat for the fourth phase of development. The existing approval expires on December 18, 2021; the subject time extension was requested prior to the expiration date as required. Two phases are yet to develop consisting of a total of 70 building lots on 22.74 acres of land.

The preliminary plat (PP-14-004) for this project consists of 159 building lots on 56.19 acres of land in the R-4 zoning district and was approved by City Council on May 20, 2014. Final plats for Phases 1-3 obtained the City Engineer’s signature within the required time frame; the final plat for Phase 3 was signed by the City Engineer on 12/18/2017, requiring the final plat for Phase 4 to be signed by 12/18/2019. A 2-year time extension (A-2019-0366) was approved by the Director to extend the period of time to 12/18/2021 in which the City Engineer is required to sign the next phase final plat. The reason for the previous time extension request was due to market conditions for the lots in Biltmore Estates subdivision having slowed, which required the Developer to shift his attention to more marketable, affordable lots in phases of other developments. No new conditions were placed on the application with the time extension.

The Applicant states the construction drawings and the final plat for the fourth phase of development have been completed and the final plat application is anticipated to be submitted after the first of the year. Due to continued labor and material shortages, construction on this phase has been delayed.

Since the preliminary plat and previous time extension were approved, an amendment to the common open space and site amenity standards listed in UDC [11-3G](#) was approved. The provisions for common open space increased from 10% to 12% and require compliance with the quality standards in UDC 11-3G-3A.2 and the qualifications in UDC 11-3G-3B. The provisions for site amenities

changed from three (3) required amenities to a point system based on the area of the development per the point values listed in UDC Table [11-3G-4](#).

A total of 10.2% (or 5.73 acres) of qualified open space is depicted on the preliminary plat consisting of a 1.5-acre park, 0.20-acre pocket park, drainage areas, common open space containing a multi-use pathway and street buffers along collector streets (i.e. W. Harris St. & S. Kentucky Way). Common open space lots totaling 3.13-acres along with 0.76-acre of parkways along internal local streets (excluding curb cuts for driveways) was provided in earlier phases totaling 3.73-acres of qualified open space. Earlier phases (i.e. 1-3) totaled 33.45-acres of land which required a minimum of 3.35-acres of qualified open space; the provided open space in earlier phases is 0.38-acre over the required 10%. **Under the current standard (i.e. 12%), a minimum of 2.73-acres is required for the remaining 22.74-acres, which after calculating the “credit” of 0.38-acre from earlier phases is 2.35-acres of qualified open space that should be provided in the remaining phases as a condition of approval of the subject time extension to comply with current code requirements. In order to comply with the current open space standards in the remaining phases, the Applicant proposes to provide 8-foot wide landscaped parkways along all internal local streets and is reducing the number of buildable lots by one to increase the common area. A total of 6.26-acres of qualified open space is proposed overall, which exceeds previous and current open space standards by 0.18-acre.**

A total of three (3) site amenities were proposed with the preliminary plat consisting of a tot lot with children’s play equipment, a half basketball court and a segment of the City’s regional pathway and internal linear open space pathways – the tot lot and sports court has been completed, the pathway is located in future Phase 5 and is yet to be completed. The remaining area of the development to be platted is 22.74-acres, which requires minimum amenities with a point value of five (5). **The pedestrian amenity consisting of a multi-use pathway segment and internal linear open space pathways (1,025’ +/- long) may count as one (1) point; additional amenities totaling at least four (4) points should be provided as a condition of the subject time extension. The Applicant states they will provide a pickleball court as an additional amenity which qualifies as 4 points and meets the additional amenity requirement.**

**The remaining phases (i.e. Phases 4 and 5) should also comply with the most recently adopted Public Works standards and specifications as a condition of the subject time extension.**

Approval of the subject time extension will allow the Applicant to obtain the City Engineer’s signature on a final plat for the fourth phase of development and proceed with development of the property. If City Council does *not* approve the requested time extension, the preliminary plat will expire and a new preliminary plat application will be required for the remaining area that has not yet been subdivided.

## VII. DECISION

### A. Staff:

Staff recommends approval of the proposed time extension for a time period of 2 years as requested to expire on December 18, 2023.



## IX. CONDITIONS OF APPROVAL

1. Provide an additional 2.35-acres of common open space that complies with the quality standards listed in UDC 11-3G-3A.2, the qualifications listed in UDC 11-3G-3B and the general standards listed in UDC 11-3G-5 in the remaining phases of development (i.e. Phases 4 and 5).
2. Provide additional site amenities totaling at least four (4) points in the remaining phases of development (i.e. Phases 4 and 5) that comply with the qualifications listed in UDC 11-3G-4 and the general standards listed in UDC 11-3G-5. *Note: Amenities totaling five (5) points are required; the previously proposed pedestrian facilities are allowed to count as one (1) point. If the Applicant provides a pickleball court as proposed, it will qualify as 4 points and meet the additional requirement.*
3. The remaining phases (i.e. Phases 4 and 5) shall comply with the most recently adopted Public Works standards and specifications.
4. Comply with all previous conditions of approval for this development [AZ-13-014 (Ord. #14-1594); PP-14-004 (Development Agreement Inst. #114052420)].