

BEFORE THE MERIDIAN CITY COUNCIL

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

**IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF ONE (1))
BUILDING LOT ON 15.88 ACRES)
OF LAND IN THE C-G ZONING)
DISTRICT FOR WINCO WELLS)
SUBDIVISION NO. 1.)
)
**BY: THE LAND GROUP)
APPLICANT)**
_____)
)
)
)**

**CASE NO. FP-2021-0057
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT**

This matter coming before the City Council on January 4, 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 WINCO WELLS SUBDIVISION NO. 1, SITUATED IN A PORTION OF THE SW ¼ OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, 2022, HANDWRITTEN

DATE: 11/15/2021, by MICHAEL S. FEMENIA, PLS, SHEET 1 OF 3,” 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 January 4, 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 _____, 2022.

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: 1/4/2022
TO: Mayor & City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: FP-2021-0057
Winco Wells No. 1
LOCATION: 2700 E. Overland Rd., in the SE 1/4 of
Section 17, T.3N., R.1E.



I. PROJECT DESCRIPTION

Final plat consisting of one (1) buildable lot on 15.88 acres of land in the C-G zoning district for the first phase of Winco Wells Subdivision.

II. APPLICANT INFORMATION

A. Applicant:

Tamara Thompson, The Land Group, Inc. – 462 E. Shore Dr., Ste. 100, Eagle, ID 83616

B. Owner:

Jonathan Fragoso, MB Overland Wells, LLC – 7301 Peak Dr., Ste. 200, Las Vegas, NV 89128

C. Representative:

Same as Applicant

III. STAFF ANALYSIS

Staff has reviewed the proposed final plat for substantial compliance with the preliminary plat and associated conditions of approval as required by UDC 11-6B-3C.2. There is the same number of buildable lots as shown on the approved preliminary plat. Therefore, Staff finds the proposed final plat is in substantial compliance with the approved preliminary plat as required.

Note: Alternative Compliance to the noise abatement standards listed in UDC 11-3H-4D was approved with H-2021-0007.

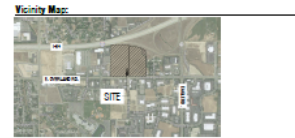
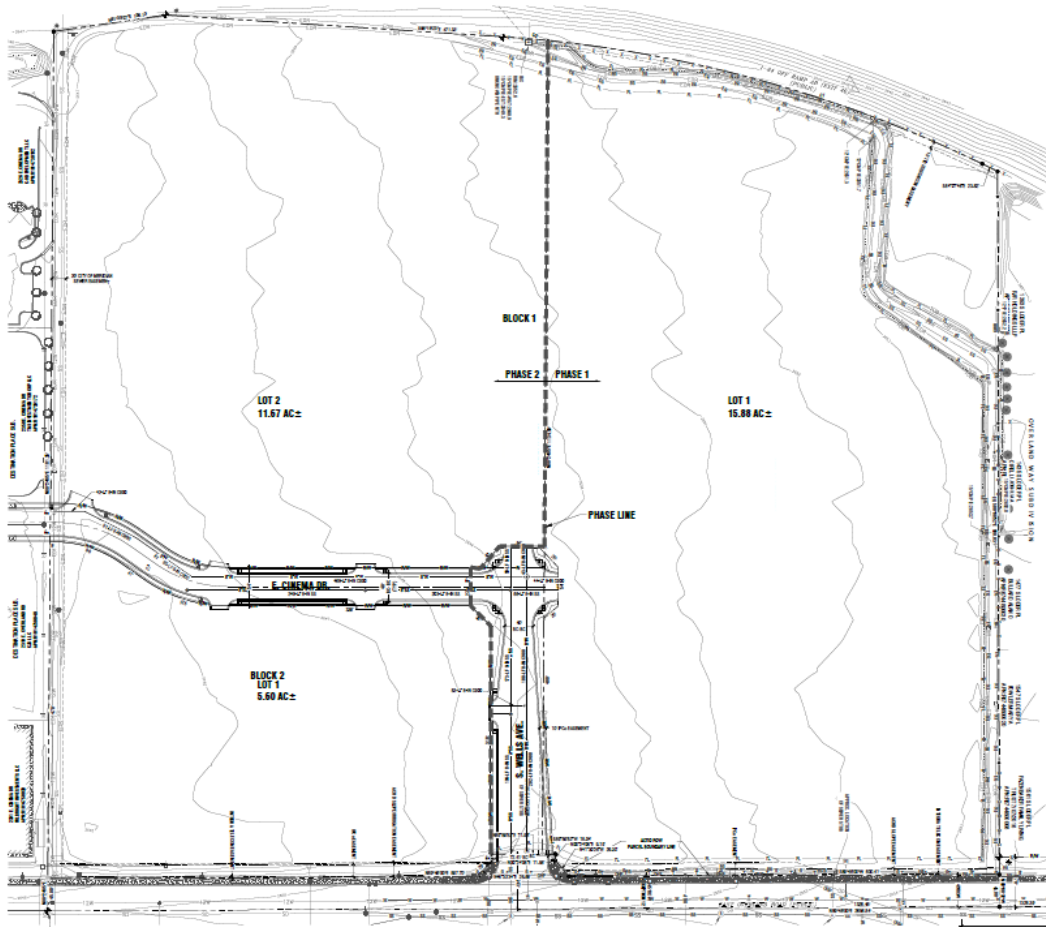
IV. DECISION

A. Staff:

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

V. EXHIBITS

A. Preliminary Plat (date: 2/4/2021)



Project Summary:
 THE LAND GROUP, INC. HAS BEEN SELECTED BY THE CITY OF WINDCO WELLS TO PREPARE A PRELIMINARY PLAT FOR THE SUBDIVISION OF THE LAND SHOWN ON THE ATTACHED MAP. THE CITY OF WINDCO WELLS HAS APPROVED THE PRELIMINARY PLAT FOR THE SUBDIVISION OF THE LAND SHOWN ON THE ATTACHED MAP. THE CITY OF WINDCO WELLS HAS APPROVED THE PRELIMINARY PLAT FOR THE SUBDIVISION OF THE LAND SHOWN ON THE ATTACHED MAP.

- Notes:**
1. THE SUBDIVISION IS SUBJECT TO ALL APPLICABLE STATE AND FEDERAL LAWS, REGULATIONS AND ORDINANCES. ALL UTILITIES SHALL BE DEEPENED AND RECONSTRUCTED AS SHOWN ON THE ATTACHED MAP.
 2. ALL UTILITIES SHALL BE DEEPENED AND RECONSTRUCTED AS SHOWN ON THE ATTACHED MAP.
 3. ALL UTILITIES SHALL BE DEEPENED AND RECONSTRUCTED AS SHOWN ON THE ATTACHED MAP.
 4. ALL UTILITIES SHALL BE DEEPENED AND RECONSTRUCTED AS SHOWN ON THE ATTACHED MAP.
 5. ALL UTILITIES SHALL BE DEEPENED AND RECONSTRUCTED AS SHOWN ON THE ATTACHED MAP.

Property Owner:
 WINDCO PLAZA, LLC
 PO BOX 8758
 BOISE, ID 83720

Developer:
 MORGAN HOLDINGS & DEVELOPMENT, LLC
 7300 PINE DRIVE, SUITE 100
 LAS VEGAS, NV 89128

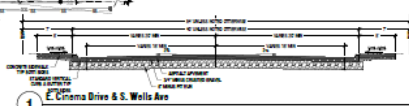
Engineer, Surveyor, Planner:
 THE LAND GROUP, INC.
 CONTRACT: TOWN & COUNTRY (PLANNING)
 CONTRACT: JASON CHAMBERLAIN, PE (SURVEYOR)
 CONTRACT: MICHAEL PETERSON, PLS (LAND SURVEYOR)
 4601 S. SHORE DR., SUITE 100
 DALLAS, TX 75226
 PH: 214.232.4241

Legend:

Symbol	Description	Symbol	Description
...

Curve Table

CURVE	LENGTH	PLACED	DELTA	CHORD BEARING	CHORD LENGTH
1	100.00	100.00	90.00	N 00° 00' 00" E	141.42
2	100.00	100.00	90.00	S 00° 00' 00" E	141.42

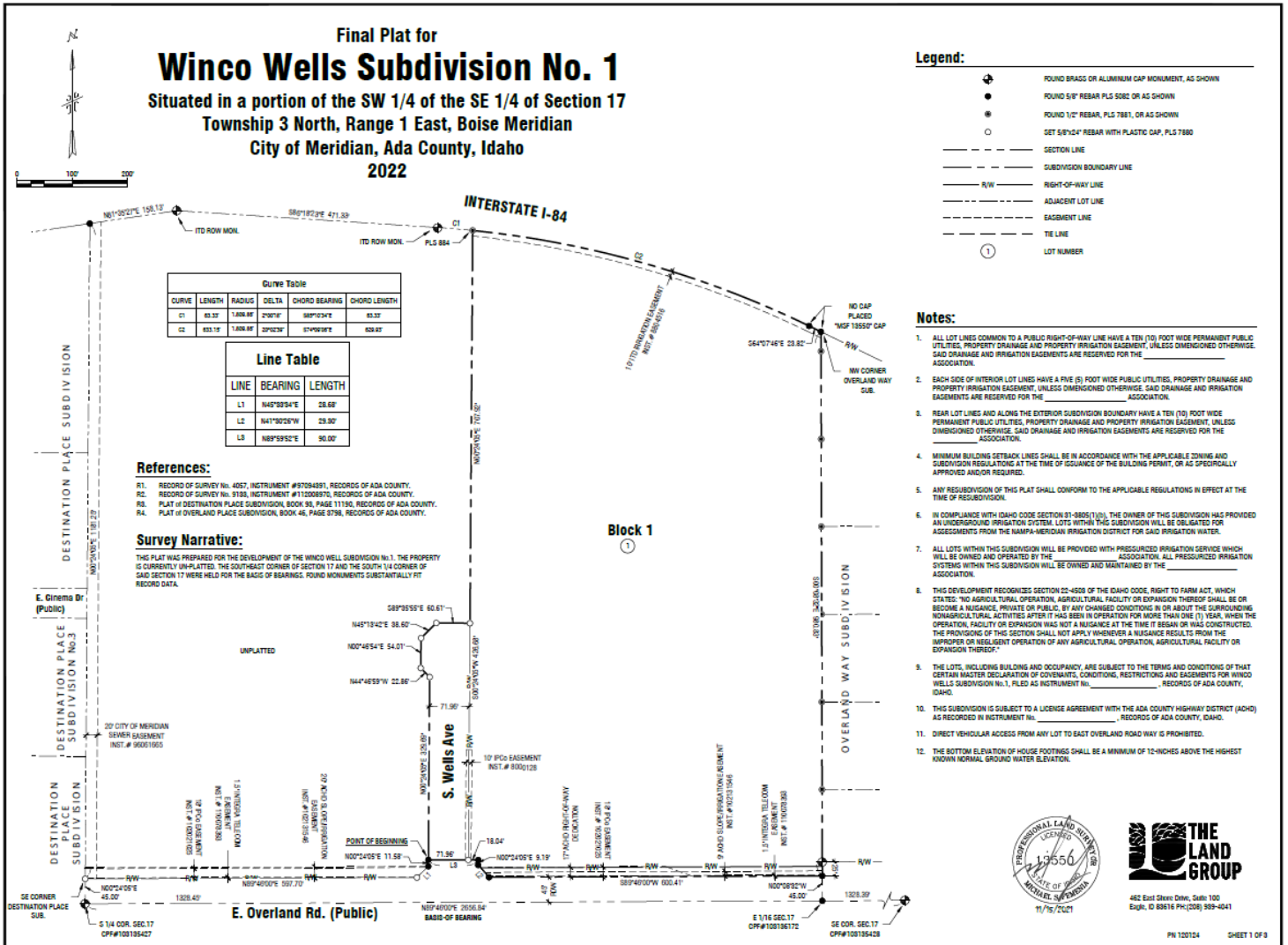


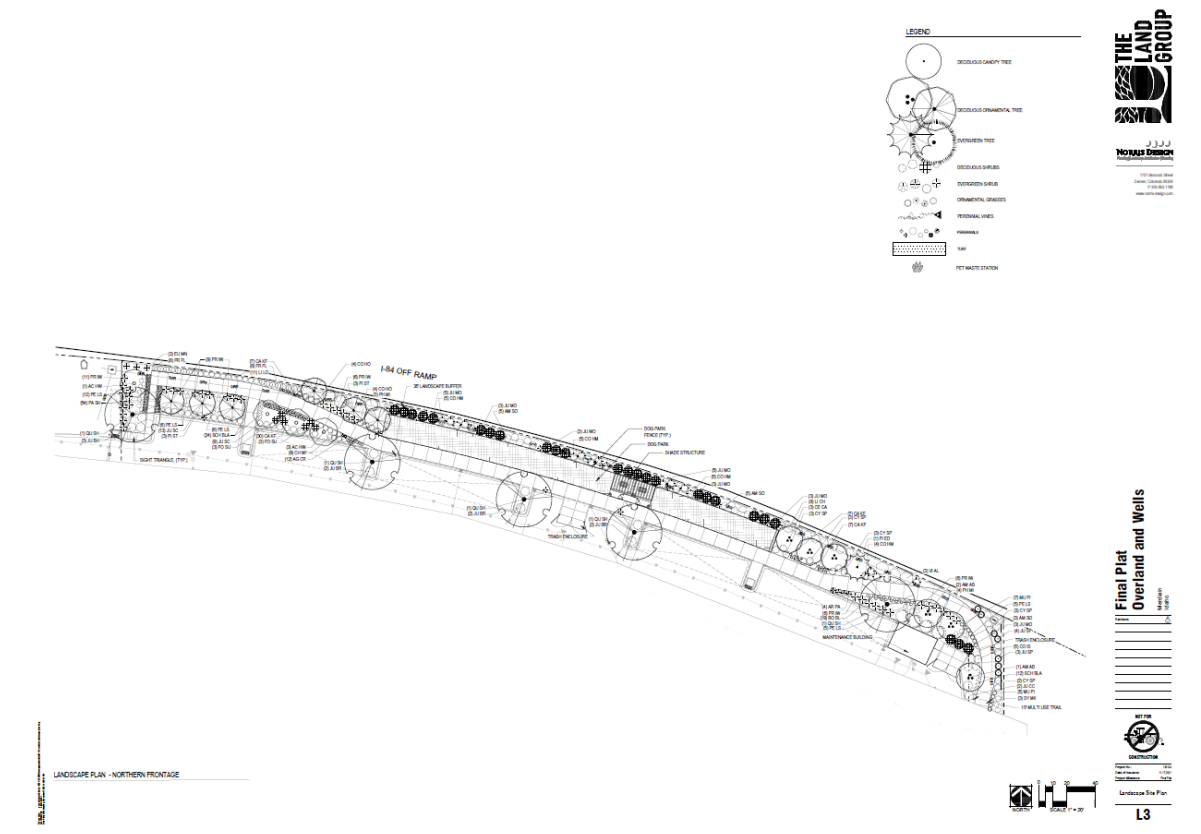
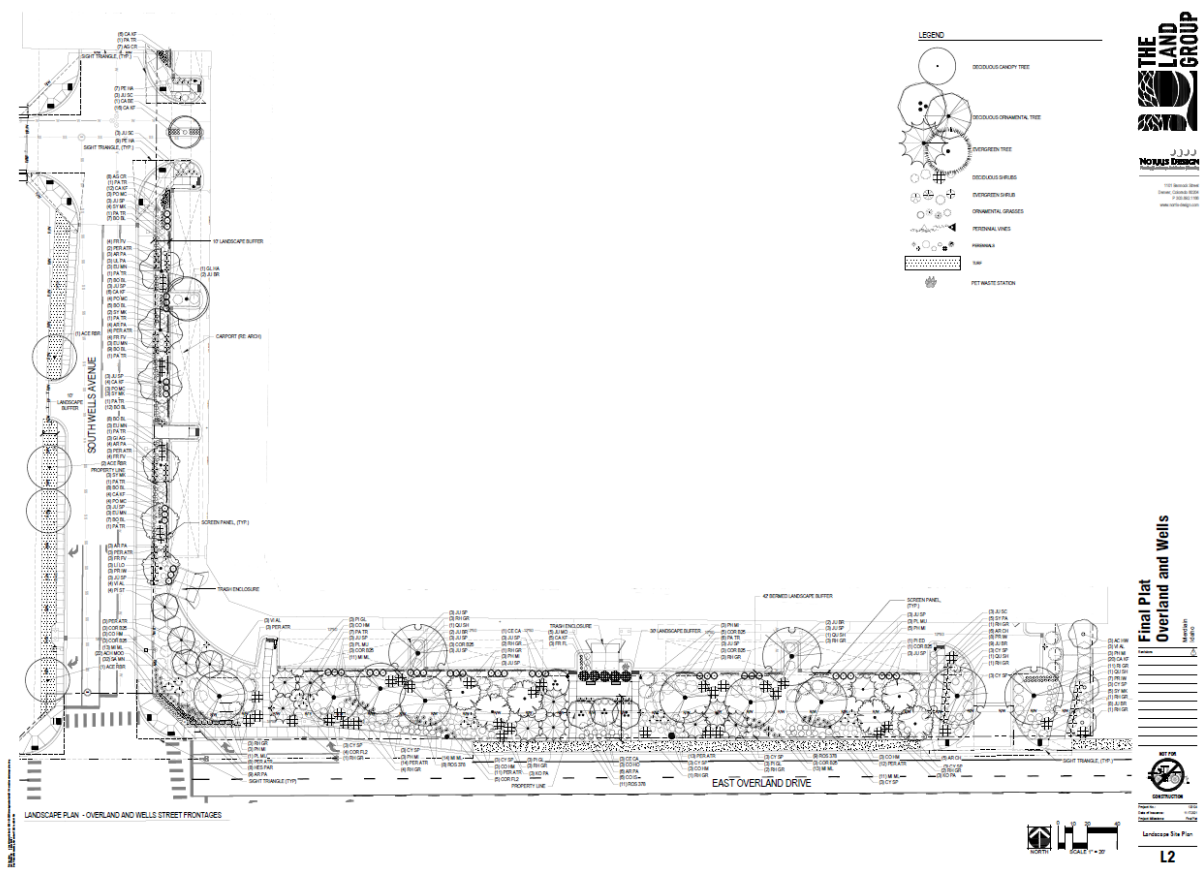
Preliminary Plat
Winco Wells Subdivision



Preliminary Plat
 PP01

B. Final Plat (date: 11/15/2021)





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-2021-0007, Development Agreement Inst. #[2021-119174](#) (Seasons at Meridian Winco-Wells)].
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 preliminary plat (by May 18, 2023) 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 The Land Group, stamped on 11/15/2021 by Michael S. Femenia, shall be revised as follows:
 - a. Complete Notes #1-3, 7: Include the name of the Association.
 - b. Note #9: Include the recorded instrument number of the CC&R's.
 - c. Note #10: Include recorded instrument number of the ACHD license agreement.
 - d. Note #11: Add "except for emergency access."
 - e. Graphically depict street buffers in common lots or on permanent dedicated buffers with a note stating they'll be maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2b. Depict the street buffer along E. Overland Rd. outside of the ultimate right-of-way for the widening of Overland to 7-lanes.

An electronic copy of the revised plat shall be submitted prior to signature on the final plat by the City Engineer.

5. The landscape plan shown in Section V.C, dated 11/17/21, shall be revised as follows:
 - a. Depict 6-foot tall woodgrain vinyl fence along eastern boundary of site in accord with the development agreement.
 - b. Depict a gate across the emergency access driveway from Overland Rd. as required by the Fire Dept.

An electronic copy of the revised landscape plan shall be submitted prior to signature on the final plat by the City Engineer.

6. Prior to the submittal of any Certificate of Zoning Compliance and Design Review applications for this site, the property shall be subdivided as set forth in the development agreement.
7. All development shall comply with the dimensional standards for the C-G zoning district listed in UDC Table [11-2B-3](#).
8. The traffic signal at the E. Overland Rd./S. Wells Ave. intersection shall be installed prior to issuance of the first Certificate of Occupancy for the multi-family development as deemed warranted by the Traffic Impact Study.
9. 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.

10. 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

Site Specific Conditions:

1. A streetlight plan must be submitted, reviewed, and approved prior to construction. Streetlights must be installed and functional prior to Certificate of Occupancy on any buildings within the subdivision.
2. The submitted construction plans do not have the water main size labelled in Wells Street, this must be labelled with the correct diameter. The existing water main is 10-inch diameter, a reducer will be needed to foster the connection to the main servicing the subdivision.
3. Sheet C6.00 on the submitted construction plans do not have the size of the "T" and gate valve listed in note 13. Sizes must be called out.
4. The dead-end water main that parallels the water main in Wells Street must be eliminated. Either connect the water service and fire line to a different water main or close the loop.
5. The water main stub to the east property line must be extended to the pathway and end in a fire hydrant with a "T" and blind flange for future connection.
6. Provide a water easement at the northeast corner of the development for future connection.
7. All water and sewer mains, including fire hydrants, must be maintained in City utility easements or within right-of-way.

General Conditions:

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
19. Developer shall coordinate mailbox locations with the Meridian Post Office.
20. All grading of the site shall be performed in conformance with MCC 11-1-4B.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

26. 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.
27. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
28. 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.
29. 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.
30. 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.
31. 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.