

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 7/28/2020
TO: Mayor & City Council
FROM: Alan Tiefenbach, Associate Planner
208-498-0573
SUBJECT: H-2020-0061
Gyro Short Plat
LOCATION: 3030 E. Magic View Drive



I. PROJECT DESCRIPTION

The Applicant proposes a Short Plat to create two (2) buildable lots on approximately 0.973 acres in the L-O zoning district.

II. APPLICANT INFORMATION

A. Applicant:

Pat Tealey – Tealey’s Land Surveying – 12594 W. Explorer Drive, Boise, ID 83713

B. Owner:

Douglas Miller - 412 E. Parkcenter Blvd, Tuite 205, Boise, ID 83706

C. Representative:

Jeff Hatch, Hatch Design Architecture – 200 W. 36th Street, Boise, ID 83714

III. NOTICING

	City Council Posting Date
Newspaper Notification	7/10/2020
Radius notification mailed to properties within 300 feet	7/8/2020

IV. STAFF ANALYSIS

The Applicant proposes to subdivide the subject property (Lot 3 Block 1 of the Boyd Subdivision) into a new plat consisting of 2 lots. The eastern 0.60 acres (Lot 1) will contain an existing restaurant (Gyro Shack). The western vacant 0.38 acres will be separated into Lot 2.

The subject property is approximately 0.97 acres, is located in the northwest quadrant of S. Eagle Road and E. Magic View Drive, and is zoned L-O. The property was annexed into the City in early 2000 and is regulated under Development Agreement No. 100021869. The Development Agreement restricts the land use to professional office uses only.

In 2002, the Development Agreement was amended (#102067379) to allow a drive through restaurant at the southeast portion of the property. Concurrently with the amended development agreement, a conditional use (CUP 01-045) was approved to allow a 1,700 square foot Subway Restaurant (with a drive through.) A Certificate of Zoning Compliance (CZC 02-060) for the Subway was approved in November of 2002 and the Subway was constructed. In 2019, the Subway was converted into a Gyro Shack. The western portion of the site (at the corner) has remained undeveloped. Five-foot wide sidewalks have already been installed along the entire lengths of E. Magic View Drive and S. Allen Street, but landscape buffers only exist along street frontages adjacent to the developed portions of the property.

Staff has reviewed the proposed short plat for substantial compliance with the criteria set forth in UDC 11-6B-5 and deems the short plat to be in substantial compliance with said requirements. Per UDC 11-2B-3, a 10' landscape buffer is required along E. Magic View Drive (a local road) and a 20' wide landscape buffer is required along S. Allen Street (a collector road). UDC 11-3B-7-2b requires all commercial, industrial and other nonresidential street buffers to be on a common lot or in a permanent dedicated buffer, maintained by the property owner or business owners' association. Also, UDC 11-3A-3 states "where access to a local road is available, the applicant shall reconfigure the site circulation plan to take access from such local street. Where access to a local street is not available, the property owner shall be required to grant cross access / ingress easements to adjoining properties." The developed portion of the site (proposed as Lot 1) presently takes access from E. Magic View Drive, a local road. There is no access to Lot 2 from S. Allen Street. The applicant should be required to dedicate cross access easements from Lot 1 to Lot 2 as a condition of approval of this short plat.

It is important to note the existing conditional use only allows restaurant uses on the southeastern portion of the property (Lot 1). If any future use is proposed for Lot 2 other than professional offices, another conditional use will be required.

Staff has reviewed the requested short plat proposal and has determined that it meets the criteria for approval per UDC 11-6B-5.

V. DECISION

A. Staff:

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

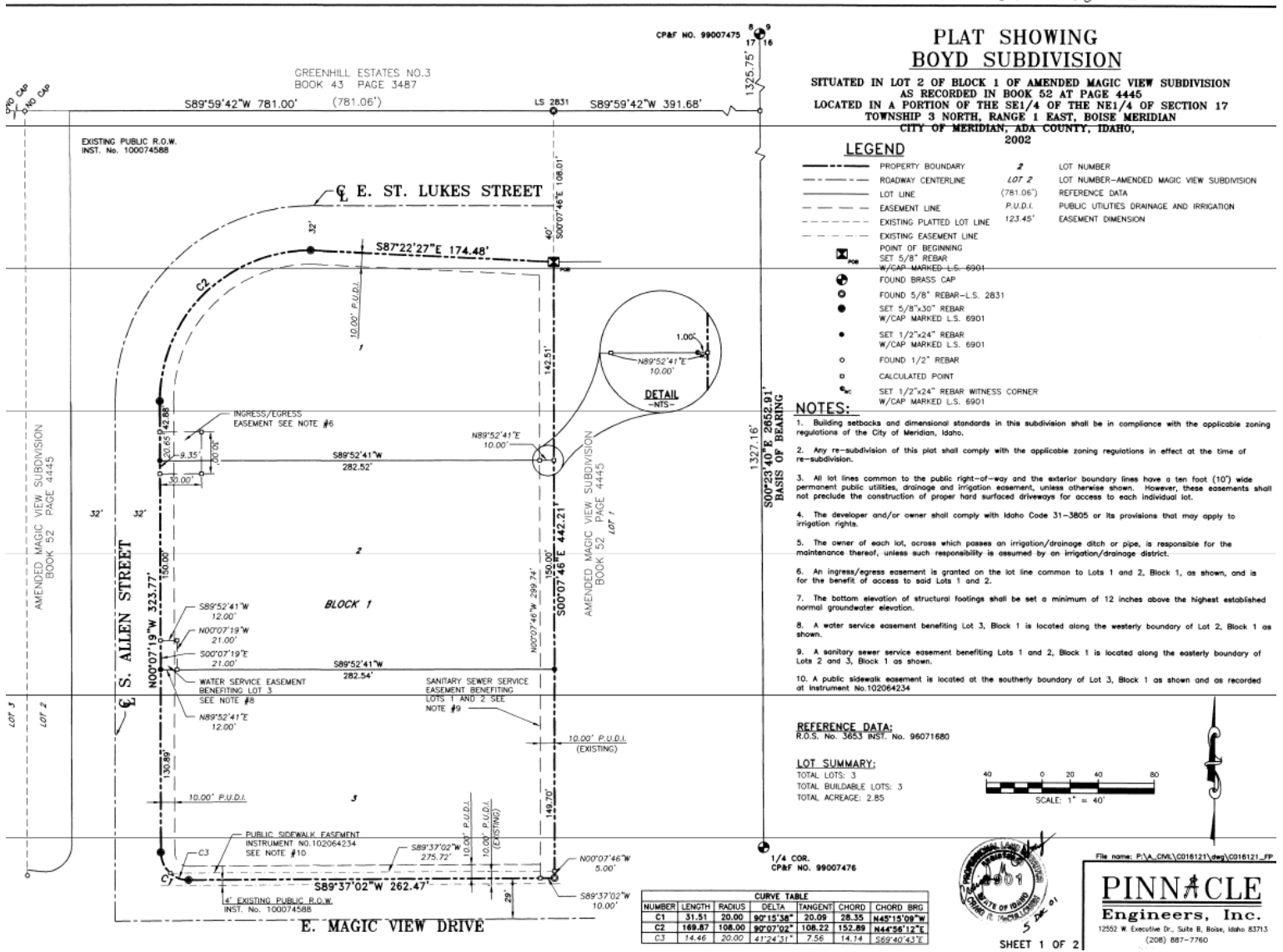
B. The Meridian City Council heard this item on July 28, 2020. At the public hearing, the Council moved to approve the subject short plat request.

1. Summary of the City Council public hearing:

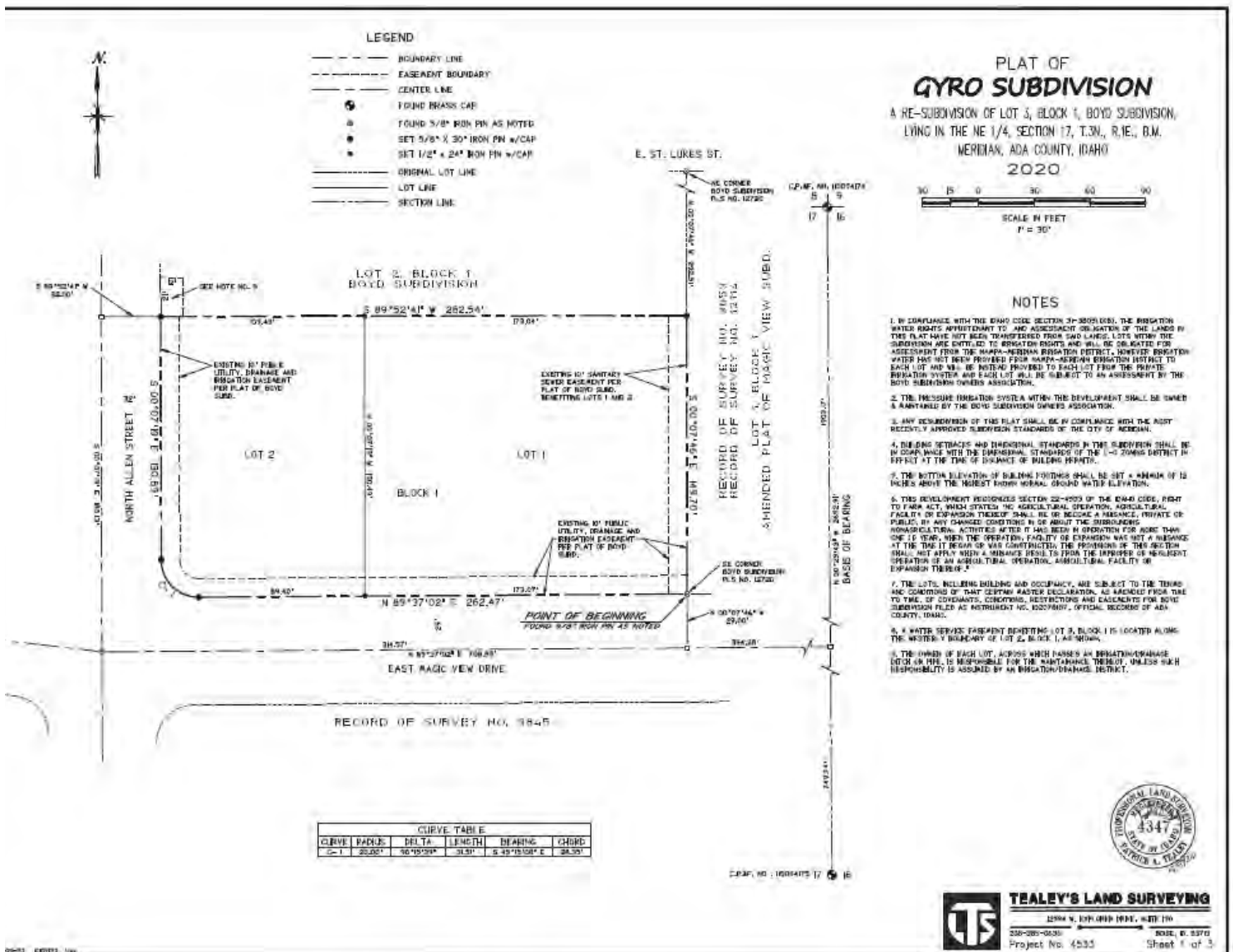
- a. In favor: Douglas Miller, Owner
 - b. In opposition: None
 - c. Commenting: Douglas Miller, Owner
 - d. Written testimony: None
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
- a. None
3. Key issue(s) of discussion by City Council:
- a. None
4. City Council change(s) to Commission recommendation:
- a. None

VI. EXHIBITS

A. Existing Boyd Subdivision



B. Proposed Short Plat



VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

1. The short plat prepared by Patrick Tealey of Tealey's Land Surveying included in Section VI.B shall be revised as follows:
 - a) The plat shall be revised to reflect a common lot or permanent dedicated buffer easement sufficient to contain a 20' landscape buffer along S. Allen Road and 10' wide buffer along E. Magic View Drive.
 - b) Add a note to the plat that specifies the shared access between the two lots or graphically depict a cross-access/ingress-egress easement between Lot 1 and Lot 2 in accord with the provisions of UDC 11-3A-3A2.
 - c) Add a note to the plat that prohibits direct lot access to S. Allen Street.
 - d) N. Allen Street on the plat shall be replaced with S. Allen Street.
2. Prior to the City Engineer's signature on the plat, a landscape plan shall be submitted to the City for review and approval, which meets the street buffer requirements of UDC 11-3B-7. Required street buffers will be comprised of landscaping type and density consistent with what has already been installed along S. Allen Street to the north and E. Magic View Drive to the east.
3. Applicant shall comply with all previous conditions of approval associated with this development (AZ 99-022, DA 100021869, DA 102067379, CUP 01-045, CZC 02-060).
4. If the City Engineer's signature has not been obtained within two (2) years of the City Council's approval of the short plat, the short plat shall become null and void unless a time extension is obtained, per UDC 11-6B-7.
5. Development of any lot shall require submission of Certificate of Zoning Compliance and Design Review per UDC-11-5B-1 and shall meet all applicable requirements of City of Meridian code.
6. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals as noted in condition 3. above, does not relieve the Applicant of responsibility for compliance.

B. Public Works

Site Specific Conditions:

1. Each lot shall be required to have independent water and sewer services. Any existing services that are not to be used, or happen to be outside of the standard locations shall be abandoned per the Public Works Department requirements.

General Conditions:

1. Sanitary sewer service to this development is available via existing mains adjacent to the development.
2. Water service to this site is available via existing mains adjacent to the development.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
11. Developer shall coordinate mailbox locations with the Meridian Post Office.
12. All grading of the site shall be performed in conformance with MCC 11-1-4B.
13. 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.
14. 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.
15. 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.
16. 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-foot 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.

17. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
18. 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.

VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE

In consideration of a short plat, the decision-making body shall make the following findings:

A. The plat is in conformance with the Comprehensive Plan and is consistent with the Unified Development Code;

The Comprehensive Plan designates the future land use of this property as Commercial. The current zoning district of the site is L-O. The proposed short plat complies with the Comprehensive Plan and is developed in accord with UDC standards.

B. Public services are available or can be made available and are adequate to accommodate the proposed development;

Staff finds that public services are adequate to serve the site.

C. The plat is in conformance with scheduled public improvements in accord with the City's capital improvements program;

Staff finds that the development will not require the expenditure of capital improvement funds. All required utilities are being provided with the development of the property at the developer's expense.

D. There is public financial capability of supporting services for the proposed development;

Staff finds that the development will not require major expenditures for providing supporting services. The developer and/or future lot owner(s) will finance improvements for sewer, water, utilities and pressurized irrigation to serve the project.

E. The development will not be detrimental to the public health, safety or general welfare; and

Staff finds the proposed short plat will not be detrimental to the public health, safety or general welfare.

F. The development preserves significant natural, scenic or historic features.

Staff is not aware of any significant natural, scenic or historic features associated with the development of this site.