

**CITY OF MERIDIAN
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION & ORDER**



In the Matter of the Request for Modification to the recorded Development Agreement (Inst. #103012598) to allow the development of age-restricted, single family attached homes instead of offices; Rezone of 5.03 acres of land from the R-4 to the R-15 zoning district; and Preliminary Plat consisting of 34 residential building lots and 8 common lots on 4.62 in the proposed R-15 zone, by Conger Group.

Case No(s). H-2020-0092

For the City Council Hearing Date of: December 15, 2020 (Findings on December 22, 2020)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of December 15, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 15, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 15, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 15, 2020, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.

7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of December 15, 2020, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

Pursuant to the City Council's authority as provided in Meridian City Code § 11-5A and based upon the above and foregoing Findings of Fact which are herein adopted, it is hereby ordered that:

1. The applicant's request for Rezone, Development Agreement Modification, and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of December 15, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

Please take notice that approval of a preliminary plat, combined preliminary and final plat, or short plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat within two (2) years of the approval of the preliminary plat or the combined preliminary and final plat or short plat (UDC 11-6B-7A).

In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of two (2) years, may be considered for final approval without resubmission for preliminary plat approval (UDC 11-6B-7B).

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, 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 Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the

use not to exceed one (1) two (2) year period. 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 conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

The city and/or an applicant may request a development agreement or a modification to a development agreement consistent with Idaho Code section 67-6511A. The development agreement may be initiated by the city or applicant as part of a request for annexation and/or rezone at any time prior to the adoption of findings for such request.

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the property owner(s) and returned to the city within six (6) months of the city council granting the modification.

A modification to the development agreement may be initiated prior to signature of the agreement by all parties and/or may be requested to extend the time allowed for the agreement to be signed and returned to the city if filed prior to the end of the six (6) month approval period.

E. Notice of Final Action and Right to Regulatory Takings Analysis

1. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of December 15, 2020

By action of the City Council at its regular meeting held on the 22nd day of December, 2020.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

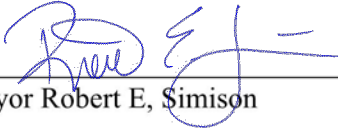
COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED _____

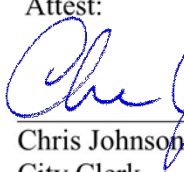
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison

Attest:


Chris Johnson
City Clerk



Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  Dated: 12-22-2020
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: December 15, 2020

TO: Mayor & City Council

FROM: Joseph Dodson, Current Associate Planner
 208-884-5533

SUBJECT: H-2020-0092
 Goddard Creek Community

LOCATION: Northwest corner of W. McMillan Rd.
 and N. Goddard Creek Way.



I. PROJECT DESCRIPTION

- Modification to the recorded Development Agreement (Inst. #103012598) to allow the development of age-restricted, single family attached homes instead of offices;
- Rezone of 5.03 acres of land from the R-4 to the R-15 zoning district;
- Preliminary Plat consisting of 34 residential building lots and 8 common lots on 4.62 in the proposed R-15 zone;
- Private Streets to provide access to the development; and,
- Alternative Compliance to allow common driveways off of a private street.

II. SUMMARY OF REPORT

A. Project Summary

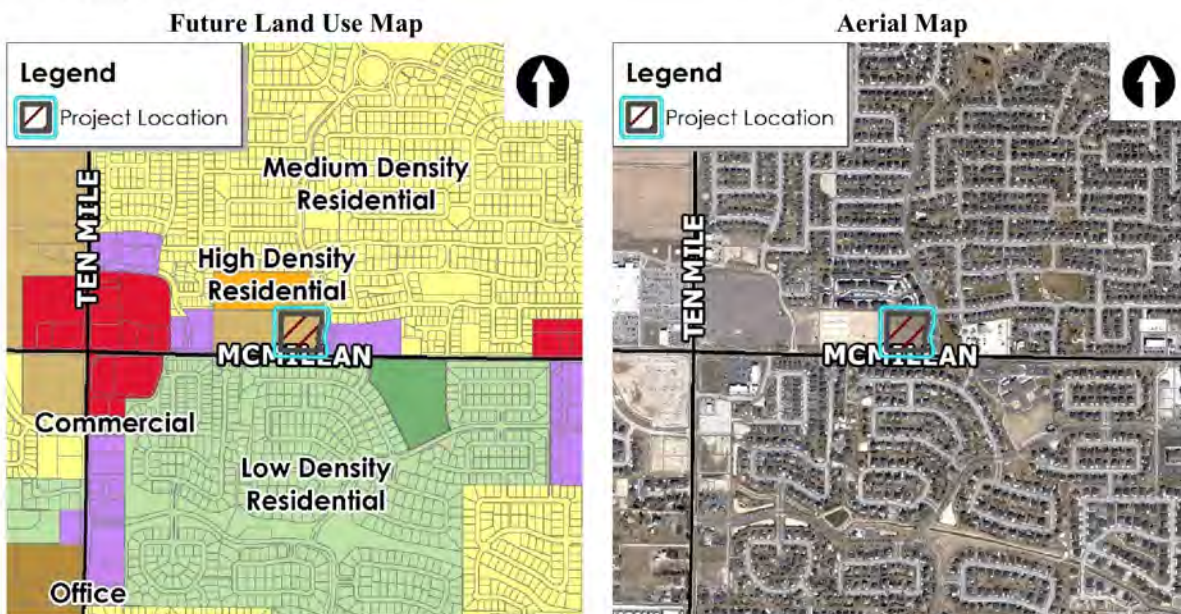
Description	Details	Page
Acreage	4.62	
Future Land Use Designation	MU-C	
Existing Land Use	vacant	
Proposed Land Use(s)	Single-family residential, duplex	
Current Zoning	R-4	
Proposed Zoning	R-15	
Lots (# and type; bldg/common)	34 SFR building/8 common	
Number of Residential Units (type of units)	34 (SF attached units)	
Density (gross & net)	7.36 units/acre (gross); 9.09 (net)	
Open Space (acres, total [%] / buffer / qualified)	0.56 acres, 12.12% (according to the submitted Open Space Exhibit).	
Amenities	One (1) qualified amenity - Covered picnic shelter	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	July 30, 2020; 8 attendees	
History (previous approvals)	This property was granted annexation, preliminary plat, and a conditional use permit as part of the Lochsa Falls Subdivision in 2002 (AZ-02-010, PP-02-009, CUP 02-012) and has a development agreement (Instrument #103012598). These approvals granted office uses in the R-4 district. In 2017, the property received CPAM approval from Office and High Density Residential to Mixed-use Community. A PP and FP were also approved. A concurrent RZ, CUP and MDA was proposed to develop the property with 76 multi-family units however, that request was withdrawn. A PP and FP were also approved (H-2017-0007 and H-2018-0014) to develop the self-storage portion of the development. In 2019 an application for 44 attached townhome style single-family units was denied by City Council (H-2019-0068). This application differs from the previous development in that it has 10 fewer units and proposes all age-restricted attached units (duplexes).	
Written Testimony		

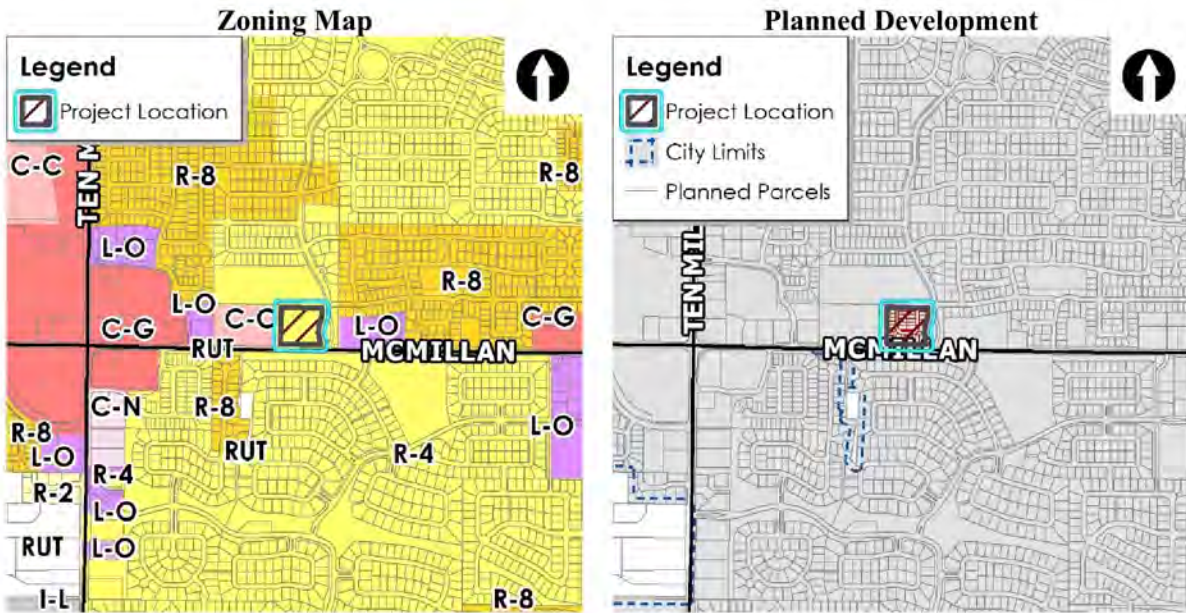
B. Community Metrics

Description	Details	Page
Ada County Highway District		
Staff report (yes/no)	Yes	
Requires ACHD Commission Action (yes/no)	No	
West Ada School District	No Comments were submitted by West Ada School District – this is likely due to project being proposed as an age-restricted development.	

Wastewater		
Distance to Sewer Services	N/A	
Sewer Shed	White Drain Trunkshed	
Estimated Project Sewer ERU's	See application	
WRRF Declining Balance	13.97	
Project Consistent with WW Master Plan/Facility Plan	Yes	
Additional Comments	• Flow is committed • See "WW comments" pdf markup for items that need to be addressed.	
Water		
Distance to Water Services	0'	
Pressure Zone	2	
Estimated Project Water ERU's	See application	
Water Quality Concerns	None	
Project Consistent with Water Master Plan	Yes	
Impacts/Concerns	• See the attached Water Main Markup for details. • No water main in the shared driveway at the southeast, water services only • Instead of connecting the water main to the southern stub, extend the water main south directly to McMillan to eliminate unnecessary parallel water main. The existing stub will either need to be abandoned or end in a hydrant. • Loop the two deadend water mains near the north boundary line and connect to existing water main in Selway Rapids Ln to create a secondary connection and eliminate two deadend mains. An easement will need to be obtained from Selway Apartments in order to connect to the water main in Selway Rapids	

C. Project Area Maps





III. APPLICANT INFORMATION

A. Owner:

Steve Schmidt – 1016 W. Sanetta Street, Nampa, ID 83651

B. Applicant Representative:

Sophia Durham, Conger Group – 4824 W. Fairview Avenue, Boise, ID 83706

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	10/16/2020	11/27/2020
Radius notification mailed to properties within 300 feet	10/13/2020	11/23/2020
Public hearing notice sign posted on site	10/26/2020	12/4/2020
Nextdoor posting	10/13/2020	11/23/2020

V. STAFF ANALYSIS

Comprehensive Plan:

The subject property is designated MU-C on the future land use map. The purpose of this designation is to allocate areas where community-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to integrate a variety of uses, including residential, and to avoid mainly single-use and strip commercial type buildings. Non-residential buildings in these areas have a tendency to be larger than in Mixed Use - Neighborhood areas, but not as large as in Mixed Use – Regional areas. Goods and services in these areas tend to be of the variety that people will mainly travel by car to, but also walk or bike to (up to three or four miles). Employment opportunities for those living in and around the neighborhood are encouraged.

When the FLUM was changed in 2017, staff had analyzed the viability of three different land uses on the subject property. At the time of the FLUM change, the plan consisted of multi-family and a self-service storage facility. In determining the appropriateness of the land use change staff determined that other commercial and office uses approved next to the storage and multi-family development would serve as the third land use type to support the requested FLUM change. Prior to City Council's action on the previous development, the applicant of the multi-family project withdrew their CUP application. Therefore, the subject 4.62 acre parcel is still governed by the original development agreement which allows office to develop on the property.

The applicant now desires to develop the site with 34 age-restricted (55 years of age and older) single-family attached and units in the form of duplexes. Staff has evaluated the existing land uses and zoning in the area to determine if this stand-alone residential project is attainable. This area is primarily developed with single-family homes with the exception of the apartment complex to the north. To the west of the adjacent storage facility and at the nearby intersection of Ten Mile and McMillan, more commercial uses are currently being built including restaurants and a gas station. In addition this age-restricted product would be an additional option for this demographic as the large commercial parcel to the west is entitled for an age-restricted multi-family development (they have applied for building permits at the time of writing). Because the applicant is proposing to provide housing diversity in the area and other land uses are nearby the development, staff believes the plan is consistent with the MU-C designation. The project also falls within the target density of 6 to 15 dwelling units per acre as the proposed gross density is 7.36 dwelling units to the acre.

COMPREHENSIVE PLAN POLICIES: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City.” (2.01.01G)

The proposed development will contribute to the variety of residential categories that currently exist in this area (i.e. duplexes). Staff is unaware of how “affordable” the units will be.

- “Encourage development of universally accessible home designs within new developments and home retrofits, allowing residents to age in place and creating full accessibility for all residents of varying levels of physical ability.” (2.01.01E)

The subject development is proposed as an age-restricted community and part of that should be the ability for residents to age in place. Staff is unaware of the accessibility of these homes for residents with barriers to physically access these units. Staff therefore recommends that the Applicant clarify this for Staff and if no units are ADA accessible, Staff recommends that a certain number of the units should be constructed as such.

- “With new subdivision plats, require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

The subject property is under 5 acres in size and the UDC does not require that the applicant provide common open space. To ensure the project offers some open space for its intended residents, the Applicant is proposing to provide approximately 12 percent common open space for the development and include a covered picnic area as the amenity. Staff finds that the open space and amenity leaves something to be desired and is not particularly exciting but with the intended demographic for the development, large swaths of open space is not needed. The residents would have ample access to sidewalks should they desire to go for

longer walks through the proposed common lots. Staff finds that the proposed open space and amenity can provide adequate area for the target demographic.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

Development exists adjacent to the subject site in all directions with City services readily available in McMillan Road. Public Works has committed flow to the property and all levels of service are available and adequate to serve the site (i.e. Fire and Police).

- “Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity.” (6.01.02B)

The UDC (11-3A-3) restricts access to arterial streets when access is available from a local street. Access to and from the development is provided along the north boundary via a private street (W. Apgar Creek Lane). Access is not proposed to McMillan Road.

REZONE

The applicant requests to rezone 5.03 acres of land from the R-4 zone to the R-15 zone consistent with the MU-C FLUM designation.

DEVELOPMENT AGREEMENT MODIFICATION

The applicant is requesting to modify the recorded Development Agreement (Inst. #103012598) to development the site with 34 single-family attached homes (duplexes) instead of offices. The applicant is requesting to exclude the subject property from the boundary recorded DA and enter into a new one that governs this site specifically. Staff’s recommended DA provisions are included in Exhibit VIII below.

PRELIMINARY PLAT

The proposed preliminary plat consists of 34 building lots and 8 common lots on 4.62 acres in the proposed R-15 zone.

Dimensional Standards ([UDC 11-2](#)):

The proposed plat and subsequent development is required to comply with the minimum dimensional standards listed in UDC Tables 11-2A-7 for the R-15 zoning district. The proposed plat complies with these standards.

Access ([UDC 11-3A-3](#)):

Access is proposed via an existing private street, W. Apgar Creek Lane and access via McMillan Road is prohibited. The Applicant is also proposing an emergency-only access to McMillan Road to be limited by bollards as approved by the Fire Department.

Private streets are not typically intended for single-family developments unless designed with a new or gated community. However, to avoid having a public road off of a private street (Apgar Creek Lane) that connects to another public street (Goddard Creek Way), and with access to McMillan Road prohibited, staff is of the opinion the internal private street is appropriate. In addition, the private street standards require that they connect to a local or collector street which this property does not have access to due to McMillan being an arterial and any access to Goddard Creek Way would not meet ACHD separation requirements for access. Therefore, the Applicant is applying for alternative compliance in

order to provide internal private streets on Lot 42, Block 1 for internal access within the development.

Private streets are required to comply with the design and construction standards listed in UDC 11-3F-4. The proposed private street is 24 feet wide with 5-foot sidewalk on the internal side of the street. To ensure adequate guest parking is provided, the applicant is proposing a guest parking area along the north side of the private street across from lots 14-18, Block 1, lots that abut McMillan Road.

Additionally, the private street standards prohibit common driveways from taking access from private streets, unless approved by the director with an alternative compliance application. Alternative compliance has been requested in accord with 11-3F-4A.6, to allow the two (2) common driveways to be accessed off the private street. Because of the access constraints and the fact that it is a small compact, infill development, the Director approves the request for alternative compliance.

Note: One of the perpetual issues within the area surrounding the subject site is inadequate parking and to help address this issue the Applicant has proposed to widen the existing private street, Apgar Creek Lane, to 32 feet wide to allow on-street parallel parking on its southern edge. This widening should allow approximately 8 additional parking spaces along this private street.

The Private Street standards are intended for developments that provide a mew (shared vista) or are a gated community. The Applicant is not proposing either of these because of the site constraints discussed above. However, Staff cannot ignore these standards and therefore the Applicant should attempt to meet these requirements. Staff recommends that the Applicant construct faux gates at both entrances to help it appear to be a private development which would also add a nice entry feature. With the final plat submittal, the Applicant will be required to apply for Alternative Compliance to propose an adequate alternative to these standards.

Common Driveways (UDC [11-6C-3](#))

All common driveways are required to comply with the standards listed in UDC 11-6C-3D. Two (2) common driveways are proposed that comply with UDC standards. Common driveways should be a maximum of 150' in length or less, unless otherwise approved by the Fire Dept.

An exhibit is required to be submitted with the final plat application that depicts the setbacks, fencing, building envelope and orientation of the lots and structures. Driveways for abutting properties that are not taking access from the common driveway(s) should be depicted on the opposite side of the shared property line away from the common driveway. Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.

A perpetual ingress/egress easement for the common driveway(s) is required to be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. A copy of the easement should be submitted to the Planning Division prior to signature on the final plat.

Signage should be provided at the ends of the common driveways for emergency wayfinding purposes as requested by the Fire Department.

Sidewalks (UDC [11-3A-17](#))

Private Streets do not require sidewalks within a residential development per the private street standards. There is existing sidewalk along both McMillan Road and Goddard Creek Way

adjacent to the subdivision; there is no existing sidewalk along W. Apgar Creek Lane, the private street abutting the subject site to the north. With the proposed expansion of Apgar Creek Lane by the Applicant, 5-foot detached sidewalk is also being proposed that would connect this subdivision to Goddard Creek Way along the northern boundary. However, there is also existing sidewalk along the western side of the existing Apgar Creek Lane where it turns into N. Selway Falls Lane (the entrance into the Selway Apartments) that the Applicant is not showing a clear sidewalk connection to.

The Applicant should continue the existing sidewalk from Selway Apartments into this site and provide a clear crossing from that side of the street to the proposed 5-foot attached sidewalk along the interior of the proposed private street that loops through the development. It is unclear on the submitted plans if the Applicant is also proposing to use the common driveway/emergency access as an added pedestrian connection to McMillan Road but the Applicant has stated to Staff this is the intent. The Applicant should revise the plans to clarify this prior to the City Council hearing. The submitted plat shows the common driveway as 20 feet wide with 5 feet of landscaping on each side which exceeds code requirements. The most eastern area of landscaping should remain and the other 5 feet of area should be used as the pedestrian connection and should be clearly defined with pavers, stamped concrete, or similar to clearly delineate the driving surface and the pedestrian path to McMillan.

In addition, any area where pedestrians will need to cross the street from the interior sidewalk loop to areas on the perimeter (i.e. to and from Selway Apartments, the open space area and the common driveway) should be clearly delineated from the driving surface with pavers, stamped concrete, or similar for added pedestrian safety and clarity. Staff has included DA provisions in line with these recommendations.

Landscaping (UDC [11-3B](#)):

Landscaping is required within street buffers ([11-3B-7C](#)), and within common open space areas ([11-3G-3E](#)) in accord with UDC standards. **Note: The street buffer landscaping to McMillan Road and Goddard Creek Way is existing and the Applicant is not required to provide more landscaping – the Applicant is not proposing any more landscaping in these areas.**

The Applicant has proposed a larger common open space lot shown to include five (5) Class II trees which exceeds the requirement of one (1) tree per 8,000 square feet of open space. All other landscape areas appear to be landscaped per city code requirements including those areas with proposed seepage beds.

Qualified Open Space (UDC [11-3G-3](#)):

The UDC does not require the applicant to provide any qualifying open space because the project is less than 5 acres. However, the applicant recognizes that this is an infill development and the surrounding residential developments have ample open space. In order to complement the surrounding developments, the applicant is proposing 24,415 square feet of open space (12.12%), of which 13,367 square feet would qualify under UDC 11-3G-3 standards. This amounts to approximately 6.49% of qualified open space. The large open space lot within the development also includes the proposed amenity, a covered picnic shelter.

Some of the area shown as qualifying on the submitted open space exhibit does not qualify under the UDC standards because it is not wide enough; those landscaped areas adjacent to W. Apgar Creek Lane need to be at least 20 feet wide in order to count as linear open space. The removal of this area and taking half of the arterial buffer area is how Staff came to the reduced number of qualifying open space when compared to the data shown on the open space exhibit (Exhibit VII.D).

The existing utilities to serve this development are stubbed in from McMillan Road and require an easement by Public Works. The Applicant is utilizing this requirement to incorporate one of their common driveways for this area in the southwest corner of the site. Further, this common driveway is also being utilized as the secondary emergency access.

Staff is supportive of the amenity package and qualified open space for this development due to the resident demographic, its relatively small size, and the proximity of Heroes Park that has easy pedestrian access from this development via sidewalks.

Parking (UDC [11-3C](#)):

Parking for single-family dwellings is required based on the number of bedrooms per unit. For 1-2 bedroom units, a minimum of 2 spaces per unit are required with at least one of those spaces in an enclosed garage, other space may be enclosed or a minimum 10' x 20' parking pad. For 3-4 bedroom units, a minimum of 4 spaces per unit are required with at least 2 of those spaces in an enclosed garage, other spaces may be enclosed or a minimum 10' x 20' parking pads. Each of the units are required to comply with the parking standards set forth in UDC 11-3C-6.

Because of the proposed 24-foot wide street section, on street parking is prohibited. As mentioned above, the applicant is providing 16 guest parking stalls within the project and is widening the existing private lane abutting the site to the north to provide additional parking for the development. Parking stalls are required to measure 9' x 19' in accord with UDC Table 11-3C-5.

NOTE: Parking is a concern in the area. The City has received multiple complaints from residents in the area because the existing apartment complex does not have adequate parking. To address this concern, the Applicant has proposed the above additional parking spaces and proposed this project as an age-restricted development which tends to be over parked and create less traffic than traditional subdivisions or commercial development.

Fencing (UDC [11-3A-7](#)):

All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-7.

Utilities (UDC [11-3A-21](#)):

Connection to City water and sewer services is proposed. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances.

One issue presented by Public Works is regarding the proposed sewer and water mains shown in the common drive in the southeast corner; Public works requires that if the common drive serves three (3) or less properties that only service lines should be constructed and not mains.

The main issue is regarding the water line layout and a requirement to connect to the existing main within W. Apgar Creek Lane from both of the proposed stubs off of this road to create a looped system. The Applicant would need to obtain an easement from Selway Apartments to connect their existing main. In addition, Public Works is requesting that the Applicant change the connection point to the water main within McMillan Road to connect directly south of the emergency access instead of heading east within the landscape buffer.

See Section VIII.B below for specific Public Works comments/conditions regarding the requested changes to the utility layout.

Pressurized Irrigation System (UDC [11-3A-15](#)):

An underground pressurized irrigation system is required to be provided for each lot within the development.

Storm Drainage (UDC [11-3A-18](#)):

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18.

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)):

The design of structures on this site is required to comply with the design standards listed in UDC 11-3A-19 and the City of Meridian Architectural Standards Manual because they are an attached product with two or more dwelling units. The development should incorporate high quality architectural design and materials that is also consistent with the MU-C designation. Conceptual building elevations are proposed as shown for the single-family attached units.

All structures within the development are required to comply with the residential design standards listed in the Architectural Standards Manual. An administrative design review application must be submitted to the Planning Division and approved prior to submittal of building permit applications; one design review application may be submitted for the overall development.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed rezone, development agreement modification and preliminary plat and the Director approved the private street and alternative compliance applications per the conditions included in Section VIII. in accord with the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on November 5, 2020. At the public hearing, the Commission moved to recommend approval of the subject Rezone, Preliminary Plat, and Development Agreement Modification requests.

1. Summary of Commission public hearing:

- a. In favor: Hethe Clark, Applicant Legal Representative
- b. In opposition: None
- c. Commenting: Hethe Clark; Dan Fisher, neighbor; Penny Fisher, neighbor.
- d. Written testimony: One – Dr. Laurie Bower
- e. Staff presenting application: Bill Parsons, Planning Supervisor.
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Parking issues that persist within adjacent apartment complex;
- b. Concern over the proposed elevations that face towards the public right-of-way.

3. Key issue(s) of discussion by Commission:

- a. Who and how are the proposed Private Streets to be maintained;
- b. The number of units taking access from the two common drives;
- c. The applicability of a centralized trash receptacle location for those homes on the common drives;
- d. What is the detail and quality of the proposed amenities and open space.

4. Commission change(s) to Staff recommendation:

- a. Limit the number of units off of the proposed common drives to no more than 3 units each;

5. Outstanding issue(s) for City Council:

- a. None

C. The Meridian City Council heard these items on December 15, 2020. At the public hearing, the Council moved to approve the subject Rezone, Preliminary Plat, and Development Agreement Modification requests.

1. Summary of the City Council public hearing:

- a. In favor: Hethe Clark, Applicant Representative
- b. In opposition: None
- c. Commenting: Hethe Clark; Penny Fisher, neighbor.
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Current Associate Planner
- f. Other Staff commenting on application: Bill Nary, City Attorney; Joe Bongiorno, Deputy Fire Marshall.

2. Key issue(s) of public testimony:

- a. Probability of the proposed on-street parking along Apgar Creek Lane being labeled as parking for this development – Applicant does not control Apgar Creek Lane and would have to obtain approval from Selway Apartments.

3. Key issue(s) of discussion by City Council:

- a. How did the Applicant come to the conclusion that office uses are not necessary on this parcel;
- b. Potential of a signal being installed at the intersection of Goddard Creek Way and McMillan Road.
- 4. City Council change(s) to Commission recommendation
 - a. None

VII. EXHIBITS**A. Rezone Legal Description and Exhibit Map**

**RE-ZONE DESCRIPTION FOR
R15 ZONE
GODDARD CREEK TOWNHOUSE SUBDIVISION**

Lot 2, Block 1 of Goddard Creek Subdivision as filed in Book 114 of Plats at Pages 17060 through 17062 and a portion of the SE 1/4 of the SW 1/4 of Section 26, T.4N., R.1W., B.M., Meridian, Ada County, Idaho more particularly described as follows:

BEGINNING at the NW corner of said Lot 2;

thence along the along the North boundary line of said Lot 2 South 88°58'36" East, 476.28 feet to the NE corner of said Lot 2;

thence along the easterly boundary line of said Lot 2 the following 5 courses and distances:

thence South 00°31'17" West, 107.36 feet;

thence 7.85 feet along the arc of a non-tangent curve to the right, said curve having a radius of 30.00 feet, a central angle of 14°59'49" and a long chord which bears South 08°06'33" West, 7.83 feet;

thence South 15°36'33" West, 96.54 feet;

thence 131.94 feet along the arc of a non-tangent curve to the left, said curve having a radius of 252.00 feet, a central angle of 29°59'51" and a long chord which bears South 00°36'25" West, 130.43 feet;

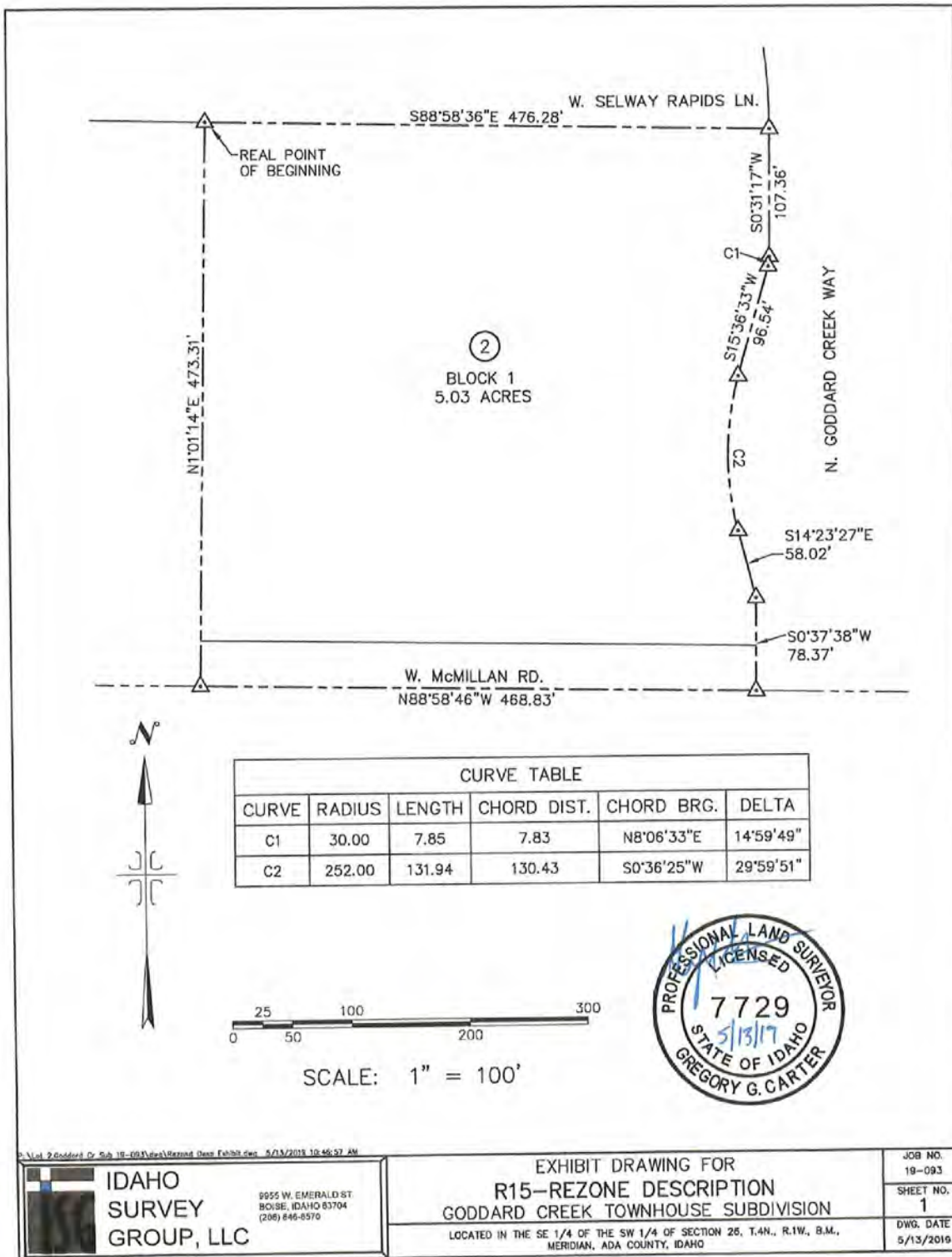
thence South 14°23'27" East, 58.02 feet;

thence continuing along the easterly boundary line of said Lot 2 and the southerly extension thereof South 00°37'38" West, 78.37 feet to a point on the South boundary line of said Section 26;

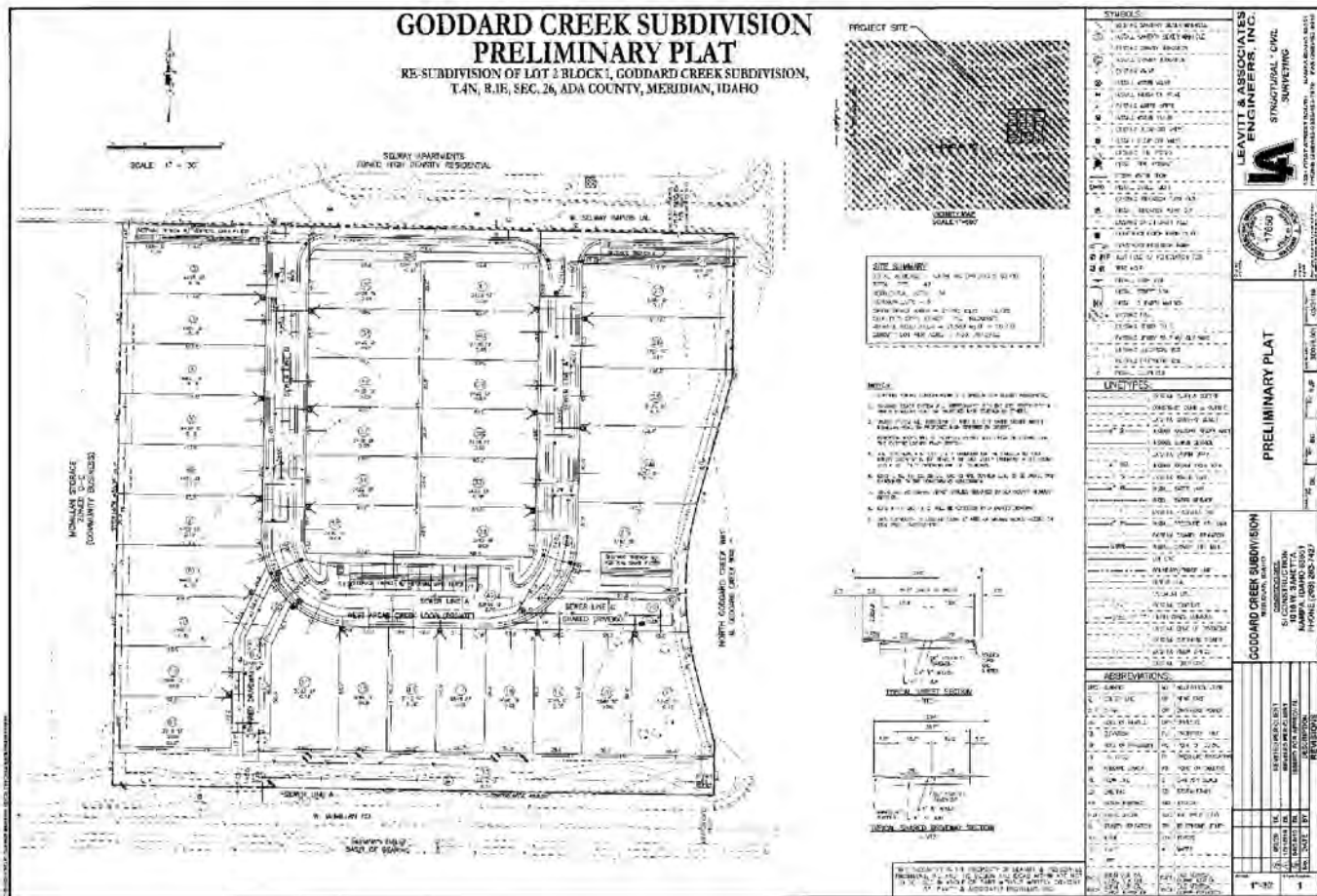
thence along said South boundary line North 88°58'46" West, 468.83 feet;

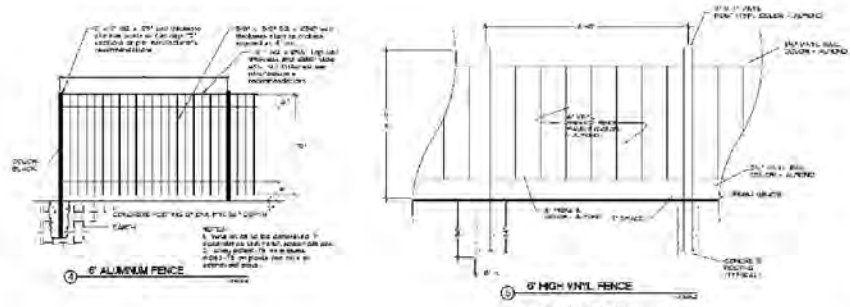
thence leaving said South Boundary line and along the West boundary line of said Lot 2 and the southerly extension thereof North 01°01'14" East, 473.31 feet to the **POINT OF BEGINNING**. Containing 5.03 acres, more or less.



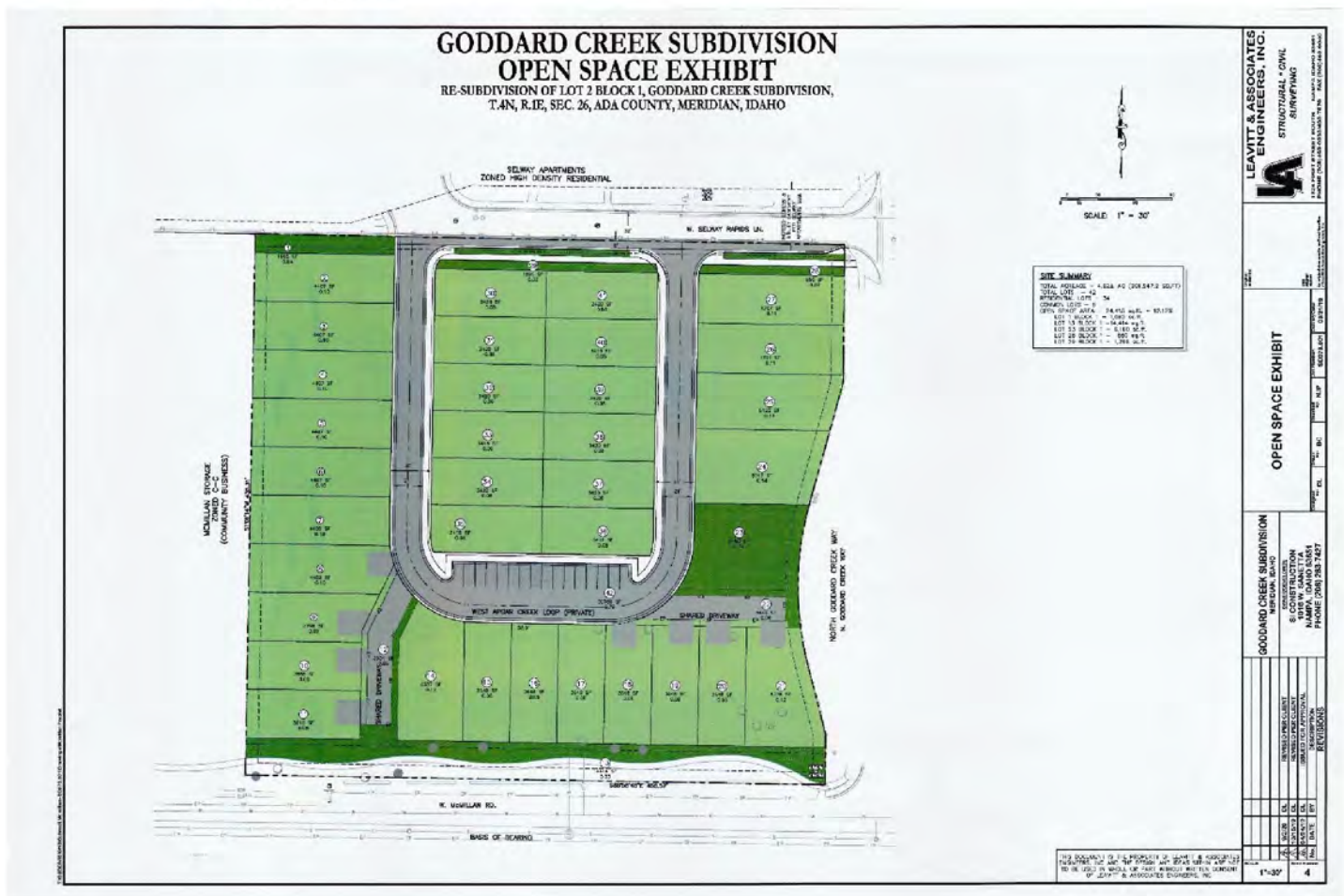


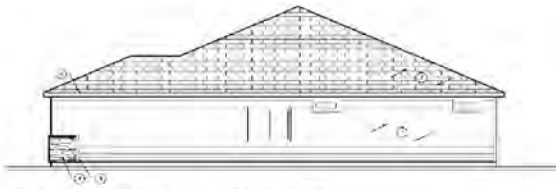
B. Preliminary Plat (date: 9/2/2020)



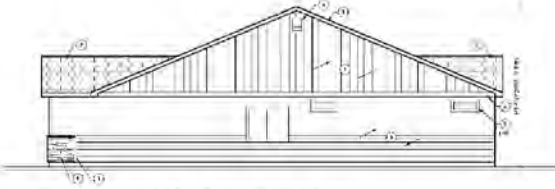


D. Open Space Exhibit

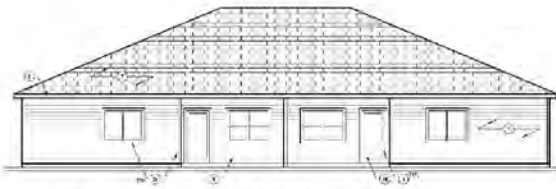




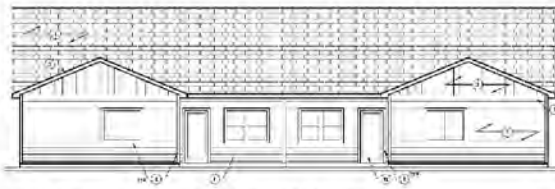
3B SIDE ELEVATION TYP. - HIP ROOF OPTION
SCALE: 1/8" = 1'-0"



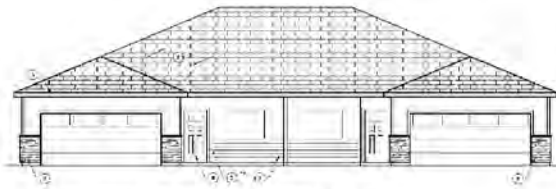
3A SIDE ELEVATION TYP. - GABLE ROOF OPTION
SCALE: 1/8" = 1'-0"



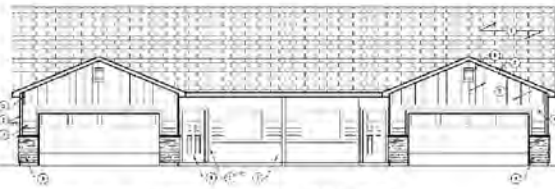
2B PATIO (REAR) ELEVATION - HIP ROOF OPTION
SCALE: 1/8" = 1'-0"



2A PATIO (REAR) ELEVATION - GABLE ROOF OPTION
SCALE: 1/8" = 1'-0"



1B ENTRY (FRONT) ELEVATION - HIP ROOF OPTION
SCALE: 1/8" = 1'-0"



1A ENTRY (FRONT) ELEVATION - GABLE ROOF OPTION
SCALE: 1/8" = 1'-0"

GENERAL NOTES

1. THESE ELEVATIONS ARE FOR INFORMATION ONLY. THEY ARE NOT TO BE USED FOR CONSTRUCTION.
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SHEET KEYNOTES

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FINISH LEGEND

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COLOR PALETTES

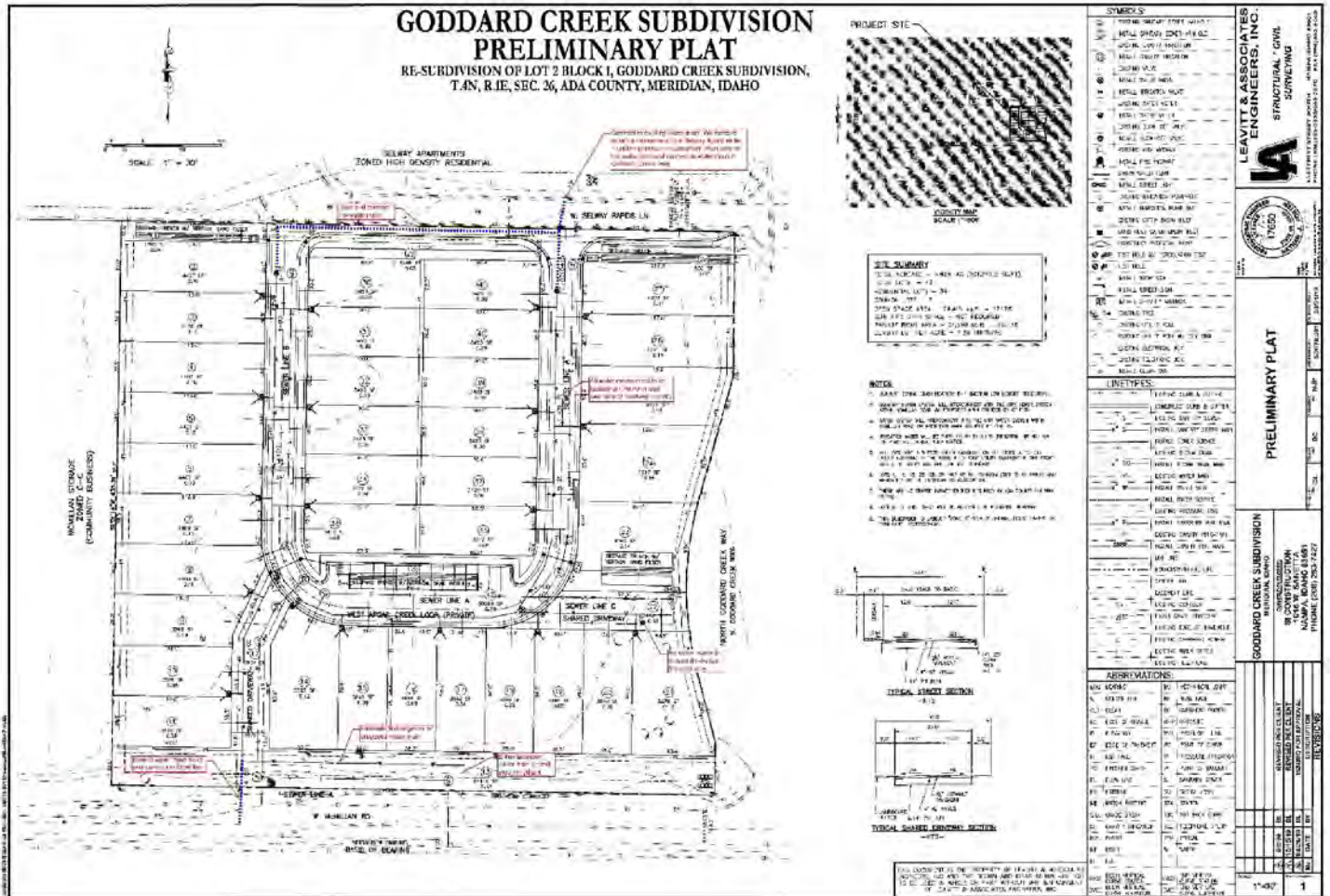
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NOT FOR CONSTRUCTION

GODDARD CREEK TOWNHOMES
RAINBOW DUPLEX
1000 S. 10TH AVE. N.
MURKIN, ID

EXTERIOR ELEVATIONS
A4.0

F. Public Works – Water Markup



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Within six (6) months of Council's approval of the findings for the rezone and prior to submittal of a final plat application, the developer shall sign and obtain Council approval of the development agreement with the following provisions:
 - a. Future development of this site shall comply with the preliminary plat, landscape plan, and conceptual building elevations (single-story) included in Section VII and the provisions contained herein.
 - b. The Applicant shall widen W. Apgar Creek Lane (the existing private street abutting the subject site) by eight (8) feet in order to accommodate on-street parking along the southern side of the street as shown in the proposed preliminary plat (Exhibit VII.B).
 - c. Any area of the plat where pedestrians need to cross the private street for added pedestrian connectivity shall be constructed with pavers, stamped concrete, or similar in order to clearly delineate the pedestrian pathways from the driving lane; this includes the proposed pedestrian connection that runs next to the southwest common drive (Lot 12) that connects to W. McMillan Road.
 - d. The proposed development shall be an age-restricted (55 years of age and older) development as proposed by the Applicant.
 - e. Each common drive shall be limited to providing access to no more than three (3) dwelling units.
2. The preliminary plat included in Section VII.B, dated 9/2/2020 shall be revised as follows at least ten (10) days prior to the City Council hearing:
 - a. Depict zero lot lines on those lots that have shared walls.
 - b. Clearly depict all pedestrian connections within the development on the plat, specifically the pedestrian connection adjacent to the common drive/emergency access (Lot 12).
 - c. Add a sidewalk connection within Lot 1 that continues the sidewalk on the west side of N. Selway Falls Lane.
 - d. Show all pedestrian crossings as pavers, stamped concrete, or similar to clearly delineate pedestrian connections and provide Staff a pedestrian exhibit that shows this and shows a cross-section of the crosswalks.
2. The landscape plan included in Section VII.C, dated 10/18/19 shall be revised as follows:
 - a. Provide the details of the site amenities with the submittal of the final plat application.
3. Private streets within the development are required to comply with the design and construction standards listed in UDC 11-3F-4. ***Exception: Alternative Compliance was approved to UDC 11-3F-4A.6 to allow the common driveways off of the private street and to allow private streets off of an existing private street instead of a local or collector street.***
4. Applicant shall provide the common open space and amenities as proposed on the landscape plan (Exhibit VII.C).
5. The Applicant shall construct all fencing as shown on the submitted landscape plan and in accord with UDC 11-3A-7.

6. On-street parking is only allowed in the designated guest parking area as shown on the attached plans. The private streets shall be posted with "no parking" signs.
7. Off-street parking shall be provided for this site as set forth in UDC Table 11-3C-5 and 11-3C-6.
8. An exhibit shall be submitted with the final plat application for the lots accessed by the common driveway that depicts the setbacks, fencing, building envelope and orientation of the lots and structures in accord with UDC 11-6C-3D. Driveways for abutting properties that are not taking access from the common driveway(s) shall be depicted on the opposite side of the shared property line away from the common driveway. Solid fencing adjacent to common driveways is prohibited unless separated by a minimum 5-foot wide landscaped buffer.
9. Provide address signage at the street for homes on Lots 8-11 and 18-21, Block 1 accessed by the common driveway for emergency wayfinding purposes.
10. A perpetual ingress/egress easement shall be filed with the Ada County Recorder for the common driveway, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. A copy of the recorded easement shall be submitted to the Planning Division prior to signature on the final plat by the City Engineer.
11. All structures within the development are required to comply with the residential design standards listed in the Architectural Standards Manual. An administrative design review application shall be submitted to the Planning Division and approved prior to submittal of building permit applications; one design review application may be submitted for the overall development.
12. With the final plat application submittal, the Applicant shall submit an Alternative Compliance application to provide an adequate alternative to gates, as required by the private street standards in UDC 11-3F-4.

B. PUBLIC WORKS

Site Specific Conditions of Approval

1. Remove the water mainline from the shared driveway at the southeast, water services will need to be extended from the mainline.
2. Instead of connecting the water main to the southern stub, extend the water main south directly to McMillan to eliminate unnecessary parallel water main. The existing stub will either need to be abandoned or end in a hydrant.
3. Loop the two deadend water mains near the north boundary line and connect to existing water main in Selway Rapids Ln to create a secondary connection and eliminate two deadend mains. An easement will need to be obtained from Selway Apartments in order to connect to the water main in Selway Rapids
4. Intermediate manhole located at the intersection of W. Apgar Creek Loop and the western shared driveway needs to be relocated further into the travel way to avoid conflict with the curb and gutter.
5. Remove the sewer mainline from the eastern Shared driveway, and instead run individual services to serve the lots. Manholes are required at all mainline angle changes.

General Conditions of Approval

3. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to

provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.

4. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
5. 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 development plan approval.
6. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). 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 receiving development plan approval.
7. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
8. 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.
9. Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
10. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
11. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
12. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.

13. 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.
14. 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.
15. 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.
16. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
17. Developer shall coordinate mailbox locations with the Meridian Post Office.
18. All grading of the site shall be performed in conformance with MCC 11-12-3H.
19. 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.
20. The design 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.
21. 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.
22. 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.
23. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
24. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse 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 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.
25. 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, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate 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.

6. MERIDIAN FIRE DEPARTMENT (MFD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=213839&dbid=0&repo=MeridianCity>

7. SETTLER'S IRRIGATION DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=213917&dbid=0&repo=MeridianCity>

8. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214296&dbid=0&repo=MeridianCity>

9. MERIDIAN POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214306&dbid=0&repo=MeridianCity>

10. CENTRAL DISTRICT HEALTH (CDH)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214496&dbid=0&repo=MeridianCity>

11. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=215221&dbid=0&repo=MeridianCity>

12. COMMUNITY DEVELOPMENT – SCHOOL TABLE

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214999&dbid=0&repo=MeridianCity>

IX. FINDINGS**A. REZONE (UDC 11-5B-3E)**

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

Council finds the proposed density and associated R-15 zoning designation is consistent with the applicable provisions of the Comprehensive Plan in regard to the MU-C future land use map designation for this site.

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

Council finds that the proposed map amendment and subsequent development will contribute to the range of housing opportunities available in the northern portion of the City.

3. **The map amendment shall not be materially detrimental to the public health, safety, and welfare;**

Council finds that the proposed zoning amendment will not be materially detrimental to the public health, safety, or welfare.

4. **The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and**

Council finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

5. **The annexation (as applicable) is in the best interest of city.**

Because this application is for a rezone, this finding is not applicable.

B. PRELIMINARY PLAT (UDC 11-6B-6)

1. **The plat is in conformance with the comprehensive plan and is consistent with this unified development code;**

Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use, transportation, and circulation. Please see Comprehensive Plan Policies and Goals, Section VII, of the Staff Report for more information.

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

Council finds that public services will be provided to the subject property upon development. (See Exhibit B of the Staff Report for more details from public service providers.)

3. **The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;**

Because City water and sewer and any other utilities will be provided by the developer at their own cost, Council finds that the subdivision will not require the expenditure of capital improvement funds.

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

Council recommends the Commission and Council rely upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.) to determine this finding. (See Exhibit B for more detail.)

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

Council is not aware of any health, safety, or environmental problems associated with the platting of this property that should be brought to the Commission or Council's attention. ACHD considers road safety issues in their analysis. Staff recommends that the Commission and Council consider any public testimony that may be presented when determining whether or not the proposed subdivision may cause health, safety or environmental problems of which Staff is unaware.

6. **The development preserves significant natural, scenic or historic features.**

Council is unaware of any significant natural, scenic or historic features that need to be preserved with this development.

C. PRIVATE STREET (UDC [11-3F-4](#))

In order to approve the application, the Director shall find the following:

1. The design of the private street meets the requirements of this Article;

The design of the proposed private streets complies with the standards listed in UDC 11-3F-4. See analysis in Section V for more information.

2. Granting approval of the private street would not cause damage hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

The Director does not anticipate the proposed private streets would cause any hazard, nuisance or other detriment to persons, property or uses in the vicinity if they are designed as proposed and constructed in accord with the standards listed in UDC 11-3F-4B.

3. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

The location of the private streets does not conflict with the Comprehensive Plan and/or the regional transportation plan. Both ACHD policy and the UDC prohibits access to McMillan Road if local street access is provided. With the development of the property to the north, the Director finds that local street access has been provided via a private street.

4. The proposed residential development (if applicable) is a mew or gated development.

The proposed residential development does not include either a mew or proposes gates. Due to the site constraints, existing road network, and proposed use of an age-restricted development outlined in Section VII, the Director is requiring that the Applicant apply for Alternative Compliance to this requirement to in order provide an adequate alternative with the Final Plat application submittal.

D. ALTERNATIVE COMPLIANCE

In order to grant approval for alternative compliance, the director shall determine the following findings:

1. Strict adherence or application of the requirements is not feasible; OR

Access to this development is provided by a private street and the UDC restricts access to McMillan Road, an arterial street. ACHD is also restricting access to Goddard Creek way, a collector street. Because the property is not served by internal public streets, the Director finds strict adherence to the UDC is not feasible and approves the request for the common driveways to take access from the private streets as proposed.

2. The alternative compliance provides an equal or superior means for meeting the requirements; and

The Director finds the infill and age-restricted development proposed by the applicant as a whole provides an equal or superior means for meeting the requirements in that it contributes to the unique character of the area and provides diversity in housing types available within the City.

3. **The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.**

The Director finds that the proposed alternative means will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties and will actually contribute to the character and variety of housing types in this area of the City.