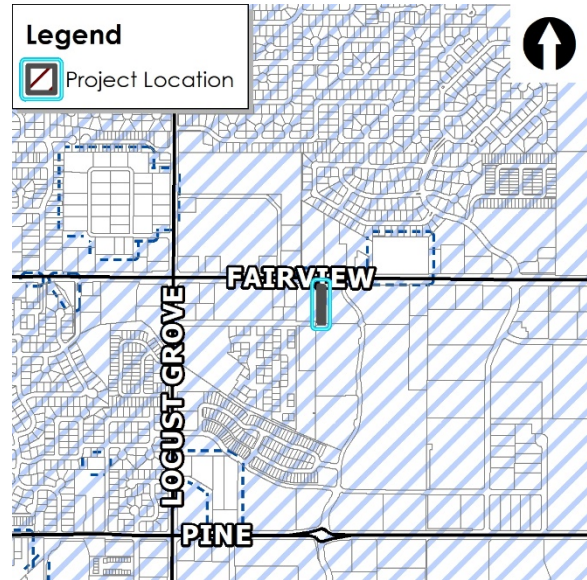


**STAFF REPORT**  
**COMMUNITY DEVELOPMENT DEPARTMENT**



HEARING DATE: September 16, 2021  
 TO: Planning & Zoning Commission  
 FROM: Joseph Dodson, Associate Planner  
 208-884-5533  
 SUBJECT: H-2021-0049  
 Fairview Row Townhomes CUP  
 LOCATION: The site is located at 2065 E. Fairview Avenue, in the NE ¼ of the NW ¼ of Section 8, Township 3N., Range 1E.



**I. PROJECT DESCRIPTION**

Conditional Use Permit for a multi-family development consisting of 16 attached townhome units on 1.02-acres of land in the C-G zoning district, by Riley Planning Services.

*The Applicant is also requesting Alternative Compliance for the required landscape buffer adjacent to Wilson Lane along the southern boundary of the site. Staff analysis and determination is below in the landscape section of V.B. The Director is the decision-maker on the ALT request.*

**II. SUMMARY OF REPORT**

**A. Project Summary**

Description	Details	Page
Acreage	1.02 acres	
Zoning	C-G (General Commercial)	
Future Land Use Designation	Commercial	
Existing Land Use(s)	Vacant single-family home.	
Proposed Land Use(s)	Multi-Family Residential	
Lots (# and type; bldg./common)	1 existing building lot	
Phasing Plan (# of phases)	Proposed as one phase.	
Number of Residential Units (type of units)	16 multi-family units	
Density (gross & net)	Gross – 15.7 du/ac.; Net – 61.54 du/ac.	
Open Space (acres, total [%]/buffer/qualified)	11,295 square feet of common open space proposed (approximately 25%); 3,114 square feet of private open space proposed via private balconies.	
Amenities	Two (2) amenities are proposed – Plaza with a water feature and a shade structure.	

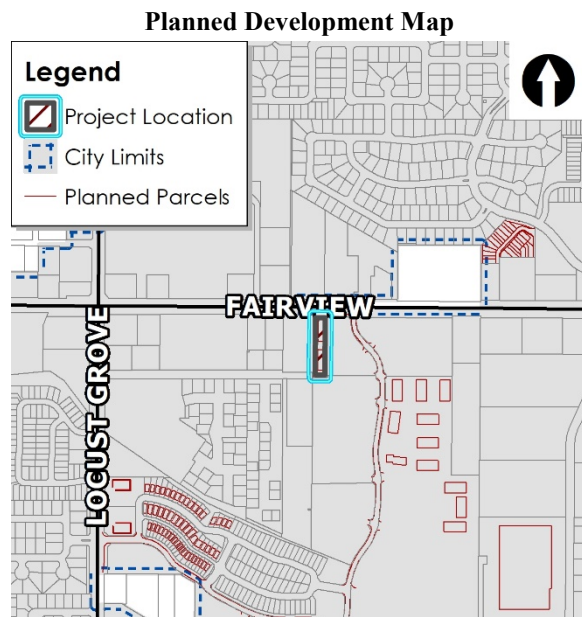
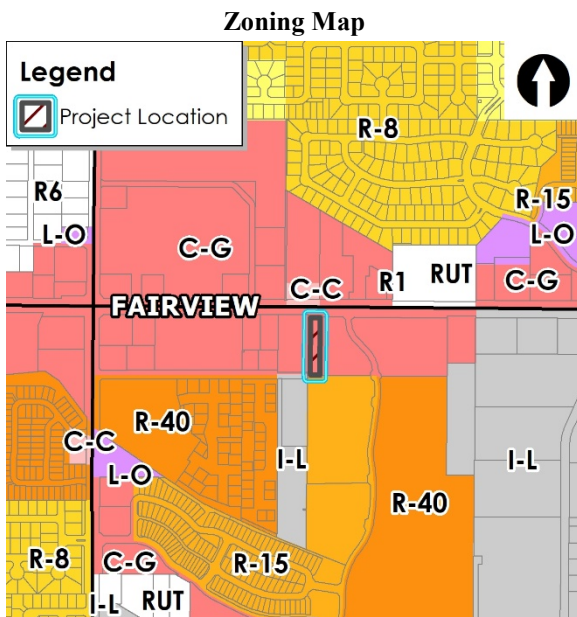
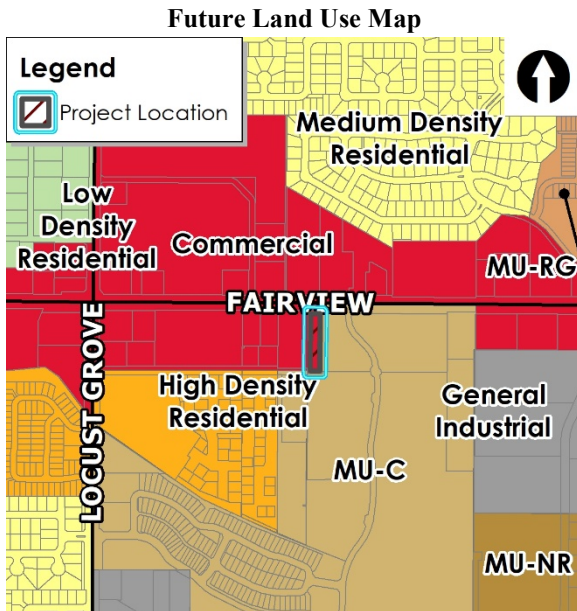
Description	Details	Page
Physical Features (waterways, hazards, flood plain, hillside)	N/A	
Neighborhood meeting date; # of attendees:	May 7, 2021 – <b>no attendees</b>	
History (previous approvals)	ORD. #721 - Butte Fence/Elliott AZ (1995)	
Distance to nearest City Park (+ size)	Settler's Village – 0.57 acres owned by West Ada Recreation; approximately 0.7 miles away.	

## B. Community Metrics

Description	Details	Page
<b>Ada County Highway District</b>		
<ul style="list-style-type: none"> <li>Staff report (yes/no)</li> </ul>	Not at this time; <b>No TIS required</b>	
<ul style="list-style-type: none"> <li>Requires ACHD Commission Action (yes/no)</li> </ul>	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via a driveway connection to a proposed extension of Wilson Lane, a commercial collector street along the south boundary. The existing access to Fairview Avenue is proposed as an emergency-only access.	
Stub Street/Interconnectivity/Cross Access	No direct interconnectivity is feasible on this site. Multiple parcels utilize Wilson Lane.	
Existing Road Network	E. Fairview Avenue (an arterial street) is existing. Wilson Lane terminates at the southwest corner of the site and is proposed to be extended.	
Existing Arterial Sidewalks / Buffers	Existing sidewalk but no existing buffer. Additional right-of-way is being dedicated for future road improvements to Fairview Avenue.	
Proposed Road Improvements	Applicant is proposing to extend E. Wilson Lane through the site along the south boundary (approximately 100 feet in length).	
<b>Fire Service</b>		
<ul style="list-style-type: none"> <li>Distance to Fire Station</li> </ul>	Approximately 1.5 miles from Fire Station #4 or #1	
<ul style="list-style-type: none"> <li>Fire Response Time</li> </ul>	This project lies within the Meridian Fire response time goal of 5 minutes.	
<ul style="list-style-type: none"> <li>Concerns</li> </ul>	<b>The fire department only has concerns with the availability of guest parking for the site.</b>	
<b>Police Service</b>		
	No comments	
<b>West Ada School District</b>		
	No comments submitted.	
<b>Wastewater</b>		
<ul style="list-style-type: none"> <li>Distance to Sewer Services</li> </ul>	N/A	
<ul style="list-style-type: none"> <li>Sewer Shed</li> </ul>	Five Mile Trunkshed	
<ul style="list-style-type: none"> <li>Estimated Project Sewer ERU's</li> </ul>	See application	
<ul style="list-style-type: none"> <li>WRRF Declining Balance</li> </ul>	14.18	
<ul style="list-style-type: none"> <li>Project Consistent with WW Master Plan/Facility Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>Sewer extension in Wilson Lane heading east can end at SSMH A-2 unless applicant has had discussions with the property owner to the east.</li> <li>Additional 1,867 gpd committed to model</li> <li>20' easement required over sewer line.</li> </ul>	

Description	Details	Page
Water		
<ul style="list-style-type: none"> <li>• Distance to Services</li> </ul>	0'	
<ul style="list-style-type: none"> <li>• Pressure Zone</li> </ul>	3	
<ul style="list-style-type: none"> <li>• Estimated Project Water ERU's</li> </ul>	See application	
<ul style="list-style-type: none"> <li>• Water Quality Concerns</li> </ul>	None	
<ul style="list-style-type: none"> <li>• Project Consistent with Water Master Plan</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>• Impacts/Concerns</li> </ul>	<ul style="list-style-type: none"> <li>• Water line requires a 20' easement.</li> <li>• Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. There appears to be some plants and trees in conflict with the easement.</li> <li>• There is an existing blowoff valve on the western waterline stub that needs to be shown on the plans with a callout for removal.</li> <li>• For blow off valve on the eastern boundary of the site add to note that the blow-off must be per standard drawing W12.</li> <li>• If existing water meter and service is not going to be used it needs to be abandoned back to the water main.</li> </ul>	

C. Project Maps



**III. APPLICANT INFORMATION**

A. Applicant/Applicant Representative:

Penelope Constantikes, Riley Planning Services LLC – PO Box 405, Boise, ID 83701

B. Owners:

Jason Monks, J2K LLC – 1002 W. Washington Drive, Meridian, ID 83642

**IV. NOTICING**

	<b>Planning &amp; Zoning Posting Date</b>
Newspaper Notification	8/27/2021
Radius notification mailed to properties within 500 feet	8/25/2021
Public hearing notice sign posted on site	9/3/2021
Nextdoor posting	8/26/2021

**V. STAFF ANALYSIS**

**A. COMPREHENSIVE PLAN (<https://www.meridiancity.org/compplan>):**

This property is designated as Commercial on the Future Land Use Map (FLUM).

**Land Use:**

The Commercial designation is meant to provide a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. **Multi-family residential** may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities.

The proposed multi-family development plan depicts two 8-plex townhome buildings generally centralized in the site so that the access drive aisle proposed along the west boundary offers the vehicular access to each unit and the resident access is along the east boundary within a 20-foot wide linear open space area the length of the entire lot. Each unit is proposed as a 3-story unit with the first level being a two-car garage accounting for the required parking for each 2-bedroom unit. According to the submitted site plan, three additional surface parking spaces are proposed for guest parking in between the two multi-family buildings and about a 40-foot wide common open space area connecting to the linear open space that provides the main entrances into the 16 units.

This future land use designation anticipates commercial uses, especially when adjacent to major arterial roadways like Fairview Avenue. However, it also specifically allows multi-family residential as noted in its purpose statement above. The subject property is relatively deep that is approximately 400 feet deep and only 100 feet wide allowing only a single drive-aisle for the site regardless of proposed use. In addition, due to availability of access to Wilson Lane (a lower classified street) and safety concerns of intensifying an existing curb cut to Fairview, ACHD is not allowing any access to Fairview regardless of use. Because of the access constraints imposed by ACHD and the lack of meaningful arterial street frontage, the Applicant does not find a commercial use as viable on this property. Furthermore, directly to the west is existing commercial within multi-tenant buildings and to the east the commercial component of the Pine 43 development is under construction. The Applicant finds the circumstances of the subject site as well as the surrounding properties to be conducive to a multi-family development instead of commercial.

***In general, the proposed use of multi-family development is listed as an allowed use within the Commercial designated areas. Due to the noted site constraints, Staff believes the multi-family development does promote a thoughtful site design and should complement the existing and future commercial uses in the area. Therefore, the proposed development is consistent with the Comprehensive Plan.***

*More specific comprehensive plan policy analysis is below.*



**COMPREHENSIVE PLAN POLICIES** (<https://www.meridiancity.org/compplan>):

**Goals, Objectives, & Action Items:** 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*):

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

*The proposed 3-story, townhome style multi-family dwellings would be a new type of multi-family residential in this area of the City, including within the adjacent Pine 43 development currently under construction to the east and southeast. In addition, the placement of these units would be directly adjacent to existing and planned commercial development which allows for residents to live in an urban type of multi-family development but with a smaller number of units than traditionally found adjacent to commercial uses.*

- “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)

*City water and sewer services are available and can be extended by the developer with development in accord with UDC 11-3A-21. Furthermore, the proposed multi-family residential project would be directly adjacent to multiple urban services (commercial and retail uses).*

- “Support infill development that does not negatively impact the abutting, existing development. Infill projects in Downtown should develop at higher densities, irrespective of existing development.” (2.02.02C)

*Development code essentially defines infill development as a parcel with at least 80% of the adjacent land as developed land. Staff does not find 80% of the adjacent land as developed but 100% of the adjacent parcels are either developed or entitled. Staff finds the proposed multi-family development should not negatively impact abutting, existing development because the proposed project meets all required dimensional and parking standards except for the singular request to have lesser landscape buffer along Wilson Lane which is being addressed with the alternative compliance request.*

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

*The proposed development will connect to City water and sewer systems by continuing existing stubs where available.*

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

*The subject site is already annexed and in a widely developed area of Meridian. However, the subject site is underdeveloped as the existing single-family home is no longer occupied and is located adjacent to existing and planned development. The Applicant believes the proposed development is appropriate*

- “Require collectors consistent with the ACHD Master Street Map (MSM), generally at/near the mid-mile location within the Area of City Impact.” (6.01.03B)

*The proposed development will connect to and extend E. Wilson Lane, a commercial collector street along the southern boundary of the subject site. This extension is a key piece in connecting Locust Grove to N. Webb, the main access point to the Pine 43 development to the east and southeast of the subject site. Despite not being at the mid-mile mark, Wilson Lane is an existing and planned collector*

*street that would benefit the circulation element of this entire geographic area if it were to be connected to N. Webb as planned. Overall, Staff and ACHD agree that the public road system adjacent to the site is easily capable of handling the minimal additional traffic generated by the proposed development.*

**Based on the analysis above, Staff finds the proposed plan is generally consistent with the vision of the Comprehensive Plan for this area of the City.**

**B. UNIFIED DEVELOPMENT CODE (UDC) ANALYSIS**

**Conditional Use Permit (CUP) – Multi-family Development (UDC 11-4-3-27) Specific Use Standards:**

The proposed multi-family development consists of 16 multi-family residential units within two 8-plex townhome buildings. Multi-family residential is subject to conditional use permit approval by the Planning and Zoning Commission within the existing C-G zoning district and subject to specific use standards outlined in UDC 11-4-3-27 and below:

**11-4-3-27 – Multi-Family Development:**

**A. Purpose:**

1. To create multi-family housing that is safe and convenient and that enhances the quality of life of its residents.
2. To create quality buildings and designs for multi-family development that enhance the visual character of the community.
3. To create building and site design in multi-family development that is sensitive to and well integrated with the surrounding neighborhood.
4. To create open space areas that contribute to the aesthetics of the community, provide an attractive setting for buildings, and provide safe, interesting outdoor spaces for residents.

**B. Site Design:**

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or *title 10* of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *Proposed project/site design complies with this requirement.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The site plan does not depict where trash disposal areas are but the Applicant will be required to comply with this standard. All proposed transformer/utility vaults shall also comply with this requirement.*
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other accessways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section 11-5B-5 of this title. *According to the submitted floor plans and Applicant's narrative, each apartment is proposed with approximately 200 square feet of private open space in the form of private patios and decks for each unit.*

4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *Applicant shall comply with this requirement.*
6. The parking shall meet the requirements set forth in *chapter 3, "Regulations Applying to All Districts"*, of this title.

***Based on the number of bedrooms per unit (16 two-bedroom units), a minimum of 32 parking spaces should be provided with at least half of those spaces covered or within a garage. The Applicant has proposed a total of 35 parking spaces with each unit having a tuck-under two-car garage and three (3) surface parking spaces intended for guest parking. Therefore, the proposed parking is in excess of code requirements for total number of spaces and the number of covered spaces required. It should be noted that Wilson Lane is a commercial collector and posted with no parking signs, so guest parking will be limited in this development.***

7. Developments with twenty (20) units or more shall provide the following:
  - a. A property management office.
  - b. A maintenance storage area.
  - c. A central mailbox location (including provisions for parcel mail) that provide safe pedestrian and/or vehicular access.
  - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

*This development is proposed with less than 20 units, so Staff finds this section is not applicable.*

### **C. Common Open Space Design Requirements:**

1. A minimum area of outdoor common open space shall be provided as follows:
  - a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area.
  - b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area.
  - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area.

*Each unit is over 1,200 square feet in living area according to the Applicant's narrative. Therefore, 350 square feet of common open space is required per unit in accord with the requirements above which equates to a minimum area of 5,600 square feet.*

2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20').

*Proposed open space submitted as meeting this requirement has been reviewed. According to Staff's calculations, the Applicant has proposed approximately 10,500 square feet of qualified common open space exceeding the minimum requirements.*

*The proposed open space consists of linear open space along the east boundary (at least 20 feet wide) and a plaza area in the center of the development.*



***Overall, the submitted open space exceeds the specific use standard requirements. Staff finds the proposed open space is adequate for the proposed development, especially in combination with the pedestrian connectivity along the east boundary which will be directly adjacent to commercial development to the east. In addition, the proposed open space vastly exceeds the minimum requirement by being proposed at nearly twice the required amount. These factors should provide for adequate open space opportunities for future residents.***

3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *The proposed development is to be developed in one (1) phase, according to the Applicant; this requirement is not applicable.*
4. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009). *No area adjacent to the abutting collector and arterial streets are included in the common open space calculations.*

**D. Site Development Amenities:**

1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
  - a. Quality of life:
    - (1) Clubhouse.
    - (2) Fitness facilities.
    - (3) Enclosed bike storage.
    - (4) Public art such as a statue.
  - b. Open space:
    - (1) Open grassy area of at least fifty by one hundred feet (50 x 100') in size.
    - (2) Community garden.
    - (3) Ponds or water features.
    - (4) Plaza.
  - c. Recreation:
    - (1) Pool.
    - (2) Walking trails.
    - (3) Children's play structures.
    - (4) Sports courts.
2. The number of amenities shall depend on the size of multi-family development as follows:
  - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
  - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
  - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.

- d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.
3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

***Based on 16 proposed units, the Applicant is required to provide at least two (2) qualified amenities. According to the submitted plans, the Applicant has proposed two (2) qualifying amenities, from two separate categories as required by code.***

***The Applicant has proposed a plaza area with a water feature and a shade structure.***

***Staff finds the proposed amenities to be adequate in serving the proposed multi-family development especially when considering the development's proximity to commercial development which should allow for additional recreational opportunities.***

#### **E. Landscaping Requirements:**

1. Development shall meet the minimum landscaping requirements in accord with *chapter 3, "Regulations Applying to All Districts"*, of this title.
2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
  - a. The landscaped area shall be at least three feet (3') wide.
  - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
  - c. Ground cover plants shall be planted in the remainder of the landscaped area.

*The submitted landscape plan shows compliance with the specific use standard landscape requirements. However, these standards will be further verified at the time of CZC submittal (see Exhibit VII.B).*

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

The proposed development is required to comply with the dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district and those within the specific use standards for Multi-family Development discussed above (UDC 11-4-3-27). *As noted above, the submitted plans show compliance with all dimensional and specific use standards, including but not limited to, building height, setbacks, accesses, and parking count.*

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

Access to the development is proposed from E. Wilson Lane, a collector street proposed to be extended from the property's west boundary to its east boundary along the southern boundary. The existing access to Fairview Avenue is proposed and required to be closed and a new one will be added along the west boundary that will be an emergency-only access. The drive aisle is proposed at 26 feet wide due to the proposed 3-story building height; it is proposed to connect from Wilson Lane to Fairview Avenue (with only an emergency access) and provides the access to the tuck-under garages for each unit. Please review the Community Metrics section at the beginning of the report for an overview of the access and transportation facts of the proposed development.

*ACHD has not submitted their staff report to the City but Staff has discussed this project with ACHD in the interim. ACHD generally supports the Applicant's proposals noted above. ACHD will require some additional right-of-way dedication for Fairview Avenue that the Applicant has already taken into*

account in their setbacks and site plan. In addition, ACHD has expressed approval of the proposed emergency access to Fairview but will not allow any type of public access.

The Pine 43 development directly to the east is currently under construction and will further extend Wilson Lane from this property to N. Webb. The timing of this is not explicitly known but should coincide relatively with the construction timeline of this project if approved. The subject property is the last property to be entitled that has Wilson Lane frontage so it is an integral piece to having it connect fully from Locust Grove to N. Webb and provide a backage road to Fairview Avenue for both residents in this area and commercial lots along the arterial. Therefore, Staff supports the access and transportation element of the proposed development.

### **Road Improvements:**

The Applicant is required to dedicate additional right-of-way for Fairview Avenue and extend E. Wilson Lane along the southern property boundary to terminate at its east boundary. No temporary turnaround is required, according to ACHD, because the extension is less than 150 feet in length—as noted, the property is deep and not wide. No other road improvements are proposed or required.

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

The Applicant is proposing to maintain the existing 5-foot sidewalk along E. Fairview Avenue (future ACHD road widening projects may alter its location and/or width) and construct a 5-foot wide attached sidewalk along the north side of the Wilson Lane extension at the south end of the site. Collector streets generally require detached sidewalk but the Wilson Lane road sections to the west have attached sidewalk and maintaining this design better ensures continuity of pedestrian pathways along this corridor.

All other sidewalks proposed are shown as at least 5-foot wide adjacent to the multi-family residential building and are shown to connect to a 5-foot sidewalk that is proposed to go the entire depth of the property and connect Fairview to the Wilson Lane extension. These sidewalks also connect to the guest parking spaces and the plaza in the center of the development containing the shade structure and water feature. Staff finds the proposed sidewalks and their placement should offer superior pedestrian connectivity throughout the site and to adjacent sites.

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

A 25-foot landscape buffer to E. Fairview Avenue is required and is required to be vegetated per UDC 11-3B-7. *The submitted landscape plans show compliance with this requirement in buffer width and landscaping materials.*

*The submitted landscape plan depicts linear open space along the east boundary of the site and is shown with sidewalks, grass, shrubs, and trees. The correct number of trees appear to be shown in this open space area and should provide both visual interest and shade for the future residents. In addition, there is a 5-foot wide area of landscaping along the west boundary adjacent to the drive aisle in compliance with UDC 11-3B-8. However, this landscape strip is only shown with a few existing trees and shrubs. UDC 11-3B-8 requires trees to be located no more than 35 linear feet apart throughout the buffer—trees may also be grouped together where necessary and visually appealing. Because of the proximity of the commercial building directly to the west, Staff understands large trees are likely not feasible or desirable in this landscape bed. However, Staff finds Class 1 ornamental trees spaced appropriately to comply with this code section are feasible and should be included in this landscape bed. **At the time of CZC submittal, the Applicant should correct the landscape plans to show compliance with this requirement.***

A 20-foot landscape buffer to the extended E. Wilson Lane is also required. The Applicant is requesting alternative compliance to Unified Development Code (UDC) 11-2A-6 & 11-3B-7, which dictates the minimum width and landscaping requirements for landscape buffers along streets. Staff's analysis and decision is below:

*As discussed throughout the report, the subject site is deeper than it is wide (approximately 400 feet deep and 100 feet wide) which affects building footprints when accounting for all other dimensional and access requirements. The Applicant states in order to fit the proposed buildings, the required access, appropriate open space, and other landscaping and buffers, a reduction to the buffer to the extension of E. Wilson Lane is needed. As a byproduct of these spatial constraints, the proposed buildings are thin and long (north-south) which makes the linear length of the requested buffer reduction approximately 40 feet in length. So, for 40 linear feet adjacent to the southern building, the Applicant is proposing a 6-foot landscape buffer behind the 5-foot attached sidewalk. In lieu of the required 20 foot buffer, the Applicant is proposing a larger landscape bed adjacent to the building with larger shrubs (at least 3 feet in height). Because this area is at least 5 feet wide, Staff recommends the Applicant include at least one additional tree in this area of the buffer to help buffer any activity of Wilson Lane. In addition, the remaining linear length of the required buffer (approximately 30 feet) is part of the large linear open space area that connects from Wilson Lane to Fairview, vastly larger than the required 20 feet.*

***Due to the relatively small impact of the short linear length of the request per the findings above and a belief that a reduction in any of the other project aspects noted above would be more of a detriment to the project than a reduction in this buffer, Staff supports the Alternative Compliance request.***

**Fencing** (UDC [11-3A-6](#), [11-3A-7](#)):

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

*According to the submitted landscaping plans, no fencing appears to be proposed; any future fencing shall comply with UDC 11-3A-7.*

**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. Storm drainage will be proposed with a future Certificate of Zoning Compliance application and shall be constructed to City and ACHD design criteria.

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

Conceptual building elevations were submitted for the apartment complex but no formal Design Review was submitted. **All multi-family development requires Administrative Design Review prior to obtaining building permits so, at the time of that submittal Staff will analyze conformance with the Architectural Standards Manual. An application for Certificate of Zoning Compliance is also required to be submitted along with Design Review for this entire development.**

*Initial review of the conceptual building elevations shows 3-story buildings that combine different field materials, modulation, and material coloring. The main materials shown are stucco, lap siding, and stone cladding. The elevations also show second and third story decks that offer both recreation and a different architectural element to the elevations. Preliminary review of the elevations show compliance with the Architectural Standards Manual but Staff will confirm compliance with the future Design Review application.*

## VI. DECISION

### A. Staff:

Staff recommends approval of the of the requested Conditional Use Permit per the conditions of approval included in Section VIII in accord with the Findings in Section IX. The Director has approved the ALT request.

### B. The Meridian Planning & Zoning Commission heard this item on September 16, 2021. At the public hearing, the Commission moved to approve the subject Conditional Use Permit request.

#### 1. Summary of the Commission public hearing:

- a. In favor: Penelope Constantikes, Applicant Representative
  - b. In opposition: None
  - c. Commenting: Penelope Constantikes;
  - d. Written testimony: None
  - e. Staff presenting application: Joseph Dodson, Associate Planner.
  - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
- a. None
3. Key issue(s) of discussion by Commission:
- a. Availability of parking for proposed multi-family use and clarification on if each unit will have two garage spaces or one;
  - b. Any concern regarding lack of access to Fairview;
  - c. Is there any planned pedestrian access to the existing commercial to the west;
  - d. Timeline of when Wilson Lane along the southern boundary will be extended to the east to connect to N. Webb;
4. Commission change(s) to Staff recommendation:
- a. Allow Applicant to include slow growing trees along west boundary to help comply with code for landscaping required adjacent to vehicle use areas (drive aisle).







1 SCHEMATIC SITE PLAN  
1/16/20





### C. Conceptual Building Elevations and Floor Plan



4 SOUTH ELEVATION  
1/2" = 1'-0"



5 VIEW FROM WILSON LN  
1/2" = 1'-0"

**FINISH LEGEND**  
 1. EXTERIOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 2. SEE NOTES

<p>① STUCCO SIDING                  A. 1/2" THICK STUCCO                  B. 1/2" THICK STUCCO                  C. 1/2" THICK STUCCO</p>	<p>② STUCCO SIDING                  A. 1/2" THICK STUCCO                  B. 1/2" THICK STUCCO                  C. 1/2" THICK STUCCO</p>	<p>③ HORIZONTAL Siding                  A. 1/2" THICK Siding                  B. 1/2" THICK Siding                  C. 1/2" THICK Siding</p>	<p>④ VERTICAL Batten Board Siding                  A. 1/2" THICK BATTEN BOARD                  B. 1/2" THICK BATTEN BOARD                  C. 1/2" THICK BATTEN BOARD</p>	<p>⑤ STONE CLADDING                  A. 1/2" THICK STONE                  B. 1/2" THICK STONE                  C. 1/2" THICK STONE</p>	<p>⑥ BRICK                  A. 1/2" THICK BRICK                  B. 1/2" THICK BRICK                  C. 1/2" THICK BRICK</p>
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**GENERAL NOTES:**  
 1. SEE FINISH LEGEND FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 2. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 3. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 4. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 5. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 6. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 7. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 8. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 9. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED  
 10. SEE NOTES FOR FINISHES TO BE USED UNLESS OTHERWISE NOTED



2 FAIRVIEW LOOKING SE



3 WILSON LN LOOKING NW



1 EAST ELEVATION  
1/2" = 1'-0"

neudesign  
ARCHITECTURE

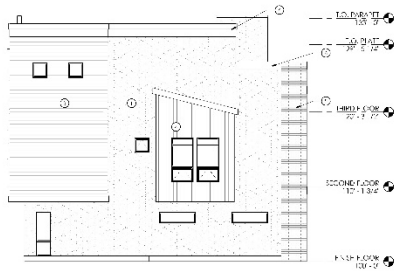
PROJECT: FAIRVIEW ROW  
 1000 FAIRVIEW AVE, SUITE 200  
 WILSON, MN 55394  
 PHONE: 612.338.2224  
 EMAIL: INFO@NEUDSIGN.COM

DATE: 10/15/2019  
 DRAWING NO: A-211

PROFESSIONAL SEAL

**NOT FOR PERMIT**

EXTERIOR ELEVATIONS



4 NORTH ELEVATION  
131'-7"



3 WILSON LN. LOOKING NE

**FINISH LEGEND**

1. SEE FINISH LEGEND FOR MATERIALS AND FINISHES

- ① STUCCO SIDING  
 1. STUCCO  
 2. STUCCO  
 3. STUCCO
- ② STUCCO SIDING  
 1. STUCCO  
 2. STUCCO  
 3. STUCCO
- ③ HORIZONTAL LAP SIDING  
 1. STUCCO  
 2. STUCCO  
 3. STUCCO
- ④ VERTICAL BATTEN BOARD SIDING  
 1. STUCCO  
 2. STUCCO  
 3. STUCCO
- ⑤ MORE CLADDING  
 1. STUCCO  
 2. STUCCO  
 3. STUCCO
- ⑥ TRIM  
 1. STUCCO  
 2. STUCCO  
 3. STUCCO
- ⑦ ROOFING  
 1. STUCCO  
 2. STUCCO  
 3. STUCCO

**GENERAL NOTES**

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED
2. ALL FINISHES TO BE IN ACCORDANCE WITH THE FINISH LEGEND
3. ALL MATERIALS TO BE APPROVED BY THE ARCHITECT
4. ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS
5. ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS
6. ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS
7. ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS
8. ALL MATERIALS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS



2 E FAIRVIEW LOOKING SW



1 WEST ELEVATION  
131'-7"

1.0. PAPER 17  
 1.0. DATE 12/12/2012  
 1.0. SHEET 17 OF 17  
 EXTERIOR ELEVATIONS  
 A-212  
 1.0. SCALE 1/8" = 1'-0"  
 1.0. DRAWN BY [Name]  
 1.0. CHECKED BY [Name]

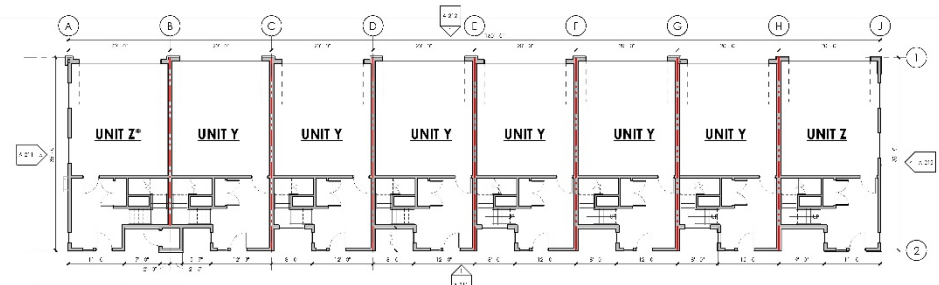


**ne.design**  
 ARCHITECTS  
 1000 S. 10TH ST.  
 SUITE 100  
 DENVER, CO 80202

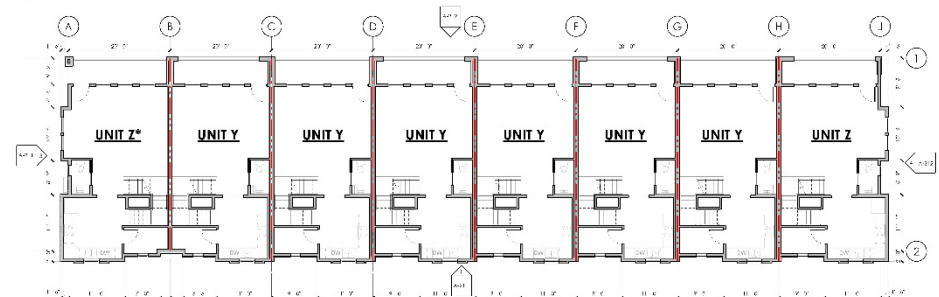
CLIENT: Tradewinds  
 FAIRVIEW ROW  
 PROFESSIONAL SEAL

**NOT FOR PERMIT**

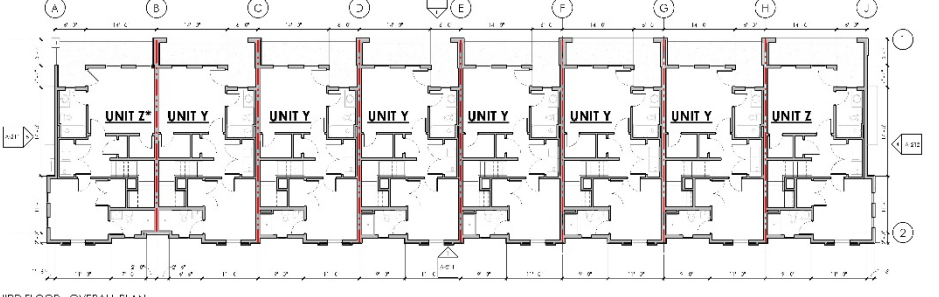




1 FIRST FLOOR - OVERALL PLAN



2 SECOND FLOOR - OVERALL PLAN



3 THIRD FLOOR - OVERALL PLAN

**GENERAL NOTES - FLOOR PLAN**

- A. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- B. FINISH FLOOR TO BE AS SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- C. FINISH FLOOR TO BE AS SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- D. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- E. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- F. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- G. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- H. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- I. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- J. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- K. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- L. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- M. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- N. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- O. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- P. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- Q. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- R. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- S. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- T. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- U. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- V. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- W. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- X. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- Y. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.
- Z. PROVIDE ALL REVISIONS AND NOTES TO BE SHOWN ON THE ARCHITECTURAL FLOOR PLAN.

**OVERALL BUILDING AREA TABLE (GROSS SF)**

GARAGES	1,000 SF
OVERALL TOTAL	12,000 SF



neuldesign  
7200 S. 10th St.  
Suite 100  
Phoenix, AZ 85042  
360.944.1234  
www.neuldesign.com



Curbed TradeWinds  
Fairview Row  
Phoenix, AZ 85042  
360.944.1234  
www.curbed.com

OVERALL PLANS

A-111

DATE: 10/15/18  
DRAWN BY: [Name]  
CHECKED BY: [Name]

## VIII. CITY/AGENCY COMMENTS & CONDITIONS

### A. PLANNING DIVISION

#### Conditional Use Permit (CUP):

1. The Applicant shall adhere to all previous conditions of approval associated with this site:  
ORD. #721 - Butte Fence/Elliott AZ (1995)
2. **With the future Certificate of Zoning Compliance submittal, the Applicant shall submit a revised site plan with the following revisions:**
  - a. Depict the pedestrian crossings across the drive aisle (at the north and the south ends of the site) to be constructed with bricks, pavers, colored or stamped concrete or similar to clearly delineate the pedestrian walkway.
3. **With the future Certificate of Zoning Compliance submittal, the Applicant shall submit a revised landscape plan with the following revisions:**
  - a. Depict the required number of trees along the west boundary adjacent to the drive aisle, per UDC 11-3B-8 or apply for Alternative Compliance to modify the landscape requirements due to the existing Idaho Power easement along the west property boundary; request may include the proposal of slow growing trees to help minimize conflict with overhead power lines.
  - b. Per the Alternative Compliance approval, depict an additional tree within the reduced buffer area adjacent to E. Wilson Lane.
  - c. Revise the plan to match the revised site plan—show the correct number of units and dimensions of proposed buildings.
4. The Applicant shall obtain Administrative Design Review and Certificate of Zoning Compliance approvals for the multi-family residential buildings prior to submittal for any building permits for the residential buildings.
5. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2B-3 for the C-G zoning district.
6. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for multi-family dwellings based on the number of bedrooms per unit.
7. The Applicant shall comply with all ACHD conditions of approval.
8. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
9. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.

10. The Applicant has a continual obligation to maintain compliance with the Multi-family Development Specific Use Standards outlined within this report and in UDC 11-4-3-27.
11. Prior to issuance of Certificate of Occupancy on any building, the Applicant shall provide proof of the required maintenance agreement to the Planning Division in accord with UDC 11-4-3-27 – all multifamily developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.
12. The conditional use approval shall become null and void unless otherwise approved by the City if the applicant fails to 1) commence the use, satisfy the requirements, acquire building permits and commence construction within two years as set forth in UDC 11-5B-6F.1; or 2) obtain approval of a time extension as set forth in UDC 11-5B-6F.4.

## **B. PUBLIC WORKS**

### **1. Site Specific Conditions of Approval**

- 1.1 No Permanent structures (buildings, carports, trash receptacle walls, fences, infiltration trenches, lightpoles, trees, shrubs, etc.) can be built within the utility easement.
- 1.2 Sewer in Wilson Ln can end at SSMH A-1, unless owner has had a specific discussions and/or agreement with the property owner to the east.
- 1.3 There is an existing blowoff on the western waterline that needs to be shown on the plans, and called out for removal.
- 1.4 The eastern portion of the site shows a blowoff must be built per standard drawing W12.
- 1.5 Any unused services and mains must be abandoned.

### **2. General Conditions of Approval**

- 2.1 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 than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 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.
- 2.3 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. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 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.

- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 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 prior to applying for building permits.
- 2.10 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
- 2.11 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.
- 2.12 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.
- 2.13 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.14 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.15 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.16 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.
- 2.17 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.
- 2.18 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.

- 2.19 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.
- 2.20 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](http://www.meridiancity.org/public_works.aspx?id=272).
- 2.21 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.
- 2.22 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.

**C. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=236115&dbid=0&repo=MeridianCity>

**D. ADA COUNTY HIGHWAY DISTRICT (ACHD)**

No staff report submitted at this time.

**IX. FINDINGS**

**A. Conditional Use Permit Findings ([UDC 11-5B-6E](#)):**

**The commission shall base its determination on the conditional use permit request upon the following:**

- 1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.**

*If all conditions of approval are met, Commission finds the submitted site plan shows compliance with all dimensional and development regulations in the C-G zoning district in which it resides.*

- 2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.**

*Commission finds the proposed use of multi-family residential is harmonious with the comprehensive plan designation of Commercial and the requirements of this title when all site and area analysis is included.*



- 3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.**

*Despite the proposed use being different than the commercial uses directly to the west and those planned to the east, Commission finds the design, construction, and proposed operation and maintenance will be compatible with other uses in the general neighborhood and should not adversely change the essential character of the same area, so long as the Applicant constructs the proposed buildings as proposed. Furthermore, Staff finds the proposed use may amplify and activate the adjacent commercial uses due to the proposed site design.*

- 4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.**

*Commission finds the proposed use, if it complies with all conditions of approval imposed, will not adversely affect other property in the vicinity.*

- 5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.**

*Commission finds the proposed use will be served adequately by essential public facilities and services because all services are readily available.*

- 6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.**

*All public facilities and services are readily available for the subject site so Commission finds that the proposed use will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities and services.*

- 7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**

*Commission finds the proposed use will not be detrimental to any persons, property, or the general welfare because it will not have public access to E. Fairview Avenue and should not involve any other activities, etc. that will be detrimental to the surrounding area or persons.*

- 8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005).**

*Commission is unaware of any natural, scenic, or historic features within the development area, therefore, Staff finds the proposed use should not result in damage of any such features.*

#### **B. Alternative Compliance Findings (UDC 11-5B-5E):**

**The Director's decision is based on the following Findings:**

- 1. Strict adherence or application of the requirements are not feasible; or**

*The Director finds strict adherence to the requirements in UDC 11-2A-6 for the landscape common lot width is feasible but not ideal because it would either create a shift in the adjacent building and reduce the more usable open space plaza area and remove a guest parking space or require a loss of one unit which Staff finds excessive in the case of this project.*

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

*The submitted plans show landscaping equal to the requirements of the buffer except for missing one additional tree. If this tree is added, the required landscaping materials will be equal to those required within a wider buffer. Furthermore, the remaining linear length of the required buffer (approximately 30 feet) is part of the large linear open space area that connects from Wilson Lane to Fairview, vastly larger than the required 20 feet. Therefore, the Director finds the proposed alternative means of compliance provides at least an equal means for meeting the requirements of landscape buffers along streets with Staff's recommended addition of one tree.*

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

*The Director finds the alternative means of compliance will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties, existing and proposed. The proposed landscape buffer should offer adequate mitigation, access, and visual interest from Wilson Lane along the south boundary.*