



STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT

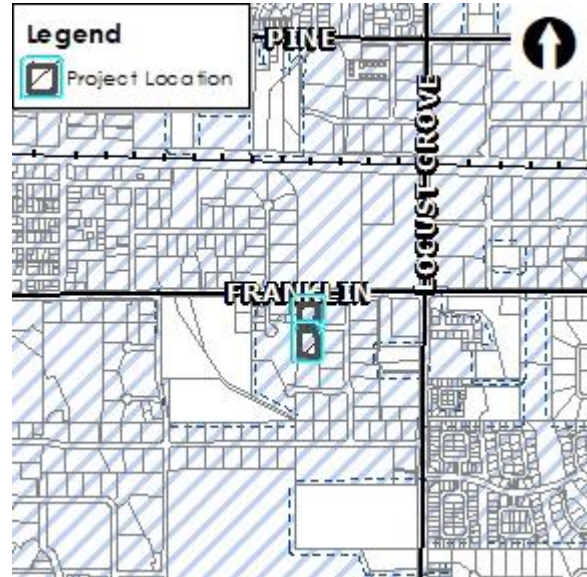
HEARING DATE: 10/17/2024

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: Treasure Valley Athletic Center –
MCU, MDA
[MCU-2024-0003](#)
[H-2024-0033](#)

LOCATION: 1250 & 1251 E. Piper Ct., in the NE 1/4
of Section 18, T.3N., R.1E.



I. PROJECT DESCRIPTION

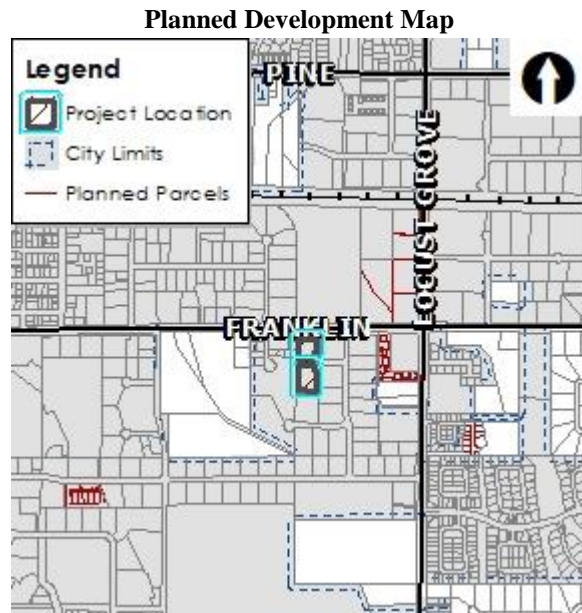
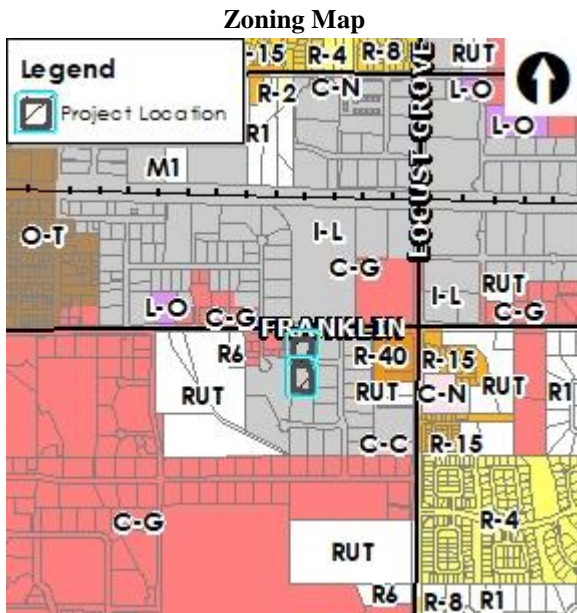
Modification to the existing Development Agreement for Medimont Subdivision (Inst. #97072405) to enter into a new agreement for the subject property, remove the requirement for a buffer to adjacent residential land uses, and modify the dimensional standards and any other applicable provisions; and modification to the existing Conditional Use Permit (i.e. CUP-03-056 Meridian Soccer Center) to expand the indoor recreation facility use in the I-L zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	2.12-acres	
Future Land Use Designation	General Industrial	
Existing Land Use	Indoor recreation facility	
Proposed Land Use(s)	Same (no change proposed)	
Current Zoning	Light Industrial (I-L)	
Physical Features (waterways, hazards, flood plain, hillside)	NA	
Neighborhood meeting date; # of attendees:	5/13/24	
History (previous approvals)	Annexation (Ord. #755 – Properties West), preliminary plat and final plat was approved for Medimont Subdivision in 1997 (DA Inst. #97072405); CUP-03-056 (Meridian Soccer Center); PBA-2024-0009	

A. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Erik Hagen, Erik Hagen Architecture – 809 N. 18th Street, Boise, ID 83702

B. Owner:

Hartman Group, LLC – 1412 S. Brooklawn Dr., Boise, ID 83709

- C. Representative:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date
Newspaper Notification	10/1/2024
Radius notification mailed to properties within 300 feet	9/26/2024
Site Posting Date	10/9/2024
Next Door posting	9/24/2024

V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN](https://www.meridiancity.org/compplan)):

FUTURE LAND USE MAP DESIGNATION:

This property is designated General Industrial on the Future Land Use Map (FLUM). This designation allows a range of uses that support industrial and commercial activities. Industrial uses may include warehouses, storage units, light manufacturing, flex, and incidental retail and office uses.

PROPOSED USE: The Applicant proposes to continue the previously approved indoor recreation facility use and expand the use/facility. The previous approval was for an indoor soccer center; the new use is an indoor beach volleyball and weight training facility.

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*):

- “Require all new and reconstructed parking lots to provide landscaping in internal islands and along streets.” (2.01.04B)
All new parking lot landscaping is required to comply with the standards listed in UDC 11-3B-8C.
- “Permit new development only where urban services can be reasonably provided at the time of final approval and development is contiguous to the City.” (3.01.01F)
City water and sewer service is available to be extended to the proposed addition with development.
- “Increase year-round recreational programming and activities that encourage education, health and wellness, community involvement, and multi-sensory play.” (4.03.01)
The proposed indoor volleyball and weight training facility will provide year-round recreational opportunities for area residents.

VI. STAFF ANALYSIS

A. Development Agreement Modification (MDA):

A Development Agreement (DA) (Inst. #[97072405](#)) was approved in 1997 with annexation of the subject property, which is part of the larger Medimont Subdivision (aka Stonebridge Business Park). Some, but not all, of the provisions in the DA apply to the subject property.

The Applicant proposes a modification to the existing DA to enter into a new agreement for the subject property and remove the requirement for a buffer to adjacent residential land uses to the west, modification to the dimensional standards and other applicable provisions. Only the DA provisions applicable to the subject property are included below; all other provisions are not applicable. A legal description of the property subject to the new DA is included below in Section VIII.E.

The following modifications are proposed to the existing DA provisions: (*Changes shown in strike-out/underline format - Staff analysis in italics*)

- #4e – ~~“Planting Strip—Western Boundary. Provide a permanent, 20-foot wide landscaped easement along all other residential uses adjacent to the property, and allow no encroachment of this strip.”~~

The Applicant proposes to remove this provision. At the time the DA was adopted, the abutting property to the west of Lot 3, Block 1, Medimont Subdivision No. 1, was zoned R-40 and planned to develop with residential uses; subsequently, the property was rezoned to C-G and developed with a mix of commercial (non-residential) uses. Because there is no longer a need for the buffer, Staff is in agreement with excluding this provision from the new DA.

- #4p – ~~“Special Setback Requirements. As presented at public hearings, minimum side yard building setbacks shall be five (5) feet per story from the property line. The minimum rear yard setback shall be twenty (20) ten (10) feet from the property line so as not to encroach in the irrigation pipe easement depicted on the Medimont Subdivision No. 1 plat. Lots 3 through 10, Block 2, shall have a minimum rear yard setback of forty (40) feet. All other setbacks shall be as required in the Zoning and Development Ordinance Unified Development Code.”~~

The Applicant requests the rear yard setback for the subject property is 10-feet instead of 20-feet. Because 10-feet accommodates the 10-foot wide irrigation pipe easement depicted on the plat and the 20-foot buffer to residential uses is no longer necessary, Staff is in agreement with the proposed reduced rear yard setback. Staff recommends the minimum side yard building setback of 5-foot per story is also removed because the current I-L dimensional standards do not require a minimum interior side setback.

- #4s – ~~“Maximum Lot Coverage. The building footprint shall not exceed fifty percent (50%) of the building lot.”~~

Staff recommends removal of this provision as the UDC no longer has restrictions on maximum lot coverage.

Staff has reviewed all other provisions in the DA and does not recommend any other provisions are carried over to the new DA. Staff recommends as a provision of the DA that future development is generally consistent with the site/landscape plans and conceptual elevations submitted with the subject application and complies with the conditions contained herein.

B. Conditional Use Permit Modification (MCU):

A conditional use permit (CUP-03-056) was approved in 2003 for Meridian Soccer Center for a 20,000 square foot (s.f.) indoor soccer field and 3,000 s.f. office, restrooms and a small pro shop for the sale of soccer merchandise in the I-L zoning district.

A modification to the existing Conditional Use Permit (CUP-03-056) is proposed to expand the previously approved indoor recreation facility use in the I-L zoning district in accord with UDC 11-5B-6G. A new 14,700 square foot (s.f.) building is proposed to the north of the existing building, which will contain sand courts for beach volleyball, a mezzanine with a weight and training room and offices, a waiting area, restrooms and a mechanical/utility room; eight (8) additional parking spaces are also proposed on the east side of the building. No additions to the existing building or changes to the existing site are proposed.

The Applicant estimates that on a typical day and evening there will be approximately 30 patrons and two (2) employees within the primary building and 20 patrons and two (2) employees in the secondary building. The primary users of the facility will be people of all ages and the facility will be used from 9 am to 9 pm Monday through Friday and 9:00 am to 7:00 pm Saturday and Sunday. The heaviest periods of use for the facility are anticipated to be evenings and weekends. Tournaments are held in the existing building but will not be held in the new building.

A property boundary adjustment (PBA-2024-0009 TVAC Beach Volleyball & Weight Training Facility) was recently *tentatively* approved between the subject property and the abutting property to the north to shift the northern property line an additional 75-feet to the north to accommodate the new building and parking, subject to completion of several tasks within one (1) year (i.e. by 9/23/2025) (see Record of Survey in Section VIII.D below). **As a provision of the new DA, Staff recommends the Applicant receive final approval of the property boundary adjustment application prior to submittal of the Certificate of Zoning Compliance application.**

Specific Use Standards: There are specific use standards in the UDC that apply to the proposed use, as follows: (*Staff analysis in italics*)

11-4-3-2 – Arts, Entertainment or Recreation Facility, Indoors and Outdoors:

A. General standards.

1. All outdoor recreation areas and structures that are not fully enclosed shall maintain a minimum setback of one hundred (100) feet from any abutting residential districts. The playing areas of golf courses, including golf tees, fairways, and greens, are an exception to this standard. *No outdoor recreation areas are proposed; all activities will take place within the building.*
2. No outdoor event or activity center shall be located within fifty (50) feet of any property line and shall operate only between the hours of 6:00 a.m. and 11:00 p.m. *No outdoor events or activities are proposed.*
3. Accessory uses including, but not limited to, retail, equipment rental, restaurant and drinking establishments, may be allowed if designed to serve patrons of the use only. *The Applicant shall comply with this standard.*
4. Outdoor speaker systems shall comply with section 11-3A-13, "outdoor speaker systems", of this title. *No outdoor speaker systems are proposed.*

- B. Additional standards for swimming pools. Any outdoor swimming pool shall be completely enclosed within a six-foot non-scalable fence that meets the requirements of the building code in accord with title 10, chapter 1, of this Code. *A swimming pool is not proposed.*

- C. Additional standards for outdoor stage or musical venue. Any use with a capacity of one hundred (100) seats or more or within one thousand (1,000) feet of a residence or a residential district shall be subject to approval of a conditional use permit. *No outdoor stage or musical venue is proposed.*
- D. [Outdoor lighting.] Outdoor lighting, including lighted fields, designed for the site shall comply with Section 11-3A-11, "outdoor lighting," of this title. These standards may be modified through the approval of a conditional use permit. *The Applicant shall comply with these standards.*

Dimensional Standards: Future development should be consistent with the dimensional standards listed in UDC Table 11-2C-3 for the I-L zoning district, except as otherwise restricted in the DA. The proposed plans demonstrate compliance with the minimum dimensional standards in the UDC and in the DA.

Access: Access is provided to the site via E. Piper Ct., an existing local street. Staff recommends a cross-access easement agreement is required with the abutting property to the north to facilitate cross-parking.

Parking: Off-street parking is required in accord with the standards listed in UDC 11-3C-6B.2, which requires one (1) space for every 2,000 s.f. of gross floor area. Based on 37,700 s.f. (14,700 s.f. for the new structure and 23,000 s.f. for the existing structure), a minimum of 19 spaces are required for the overall site; a total of 65 spaces are proposed at a ratio of 1:580 s.f., exceeding the minimum standard by 46 spaces.

A shared parking agreement was required with neighboring businesses in the Medimont Business Park with the previous CUP application; however, the Applicant does not have a copy of the agreement and believes one may never have been executed. The Applicant is in the process of completing a shared parking and access easement agreement with the abutting property to the north (Dutchman Motorsports). This will allow cross-access between properties and provide more parking for the proposed use if needed during the heaviest periods of use in the evenings and weekends. **Staff recommends as a provision of the new DA that a copy of the executed access and parking easement agreement (or the existing agreement if applicable) is submitted with the Certificate of Zoning Compliance application.**

Per UDC Table 11-3C-5, the required dimensions for 90-degree parking spaces are 9' x 19' – where a bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced 2-feet in length if 2-feet is added to the width of the sidewalk or landscaped area planted in ground cover. The site plan submitted with the Certificate of Zoning Compliance application for the proposed improvements should be revised to depict a minimum 7-foot wide sidewalk on the south side of the new building.

A bicycle rack capable of holding at least one (1) bicycle is required per UDC [11-3C-6G](#); bicycle parking facilities are required to comply with the location and design standards listed in UDC [11-3C-5C](#). **Staff recommends a bicycle rack is provided for the new building in accord with these standards and should be depicted on the site plan submitted with the Certificate of Zoning Compliance application along with a detail that demonstrates compliance with the aforementioned design standards.**

Landscaping: A 10-foot wide street buffer is required along E. Piper Ct., landscaped per the standards listed in UDC [11-3B-7C](#). **A detailed landscape plan should be submitted with the Certificate of Zoning Compliance application that demonstrates compliance with these standards.**

Parking lot landscaping is required to be provided for the new section adjacent to E. Piper Ct. in

accord with the standards listed in UDC [11-3B-8C](#). **Landscaping should be depicted on the plans submitted with the Certificate of Zoning Compliance application in accord with these standards.**

There are no residential uses abutting this site; therefore, a buffer to residential uses is not required.

There are existing trees along the (existing) northern boundary of the site that will be removed with development. Mitigation is required for existing trees removed from the site as set forth in UDC [11-3B-10C.5](#). **Additional trees for mitigation should be depicted on the plans submitted with the Certificate of Zoning Compliance application in accord with these standards.**

Sidewalks: An attached sidewalk exists along E. Piper Ct. at the east boundary of the site in accord with UDC 11-3A-17.

A minimum 5-foot wide pedestrian walkway is required to be provided from the perimeter sidewalk to the main building entrance **and should be distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks in accord with the standards listed in UDC [11-3A-19.B.4](#). The proposed site plan depicts a walkway, however it appears to be painted striping on the pavement – the plans submitted with the Certificate of Zoning Compliance should comply with the aforementioned standard.**

Pathway: There are no multi-use pathways depicted on the Pathways Master Plan across this site.

Fencing: No new fencing is depicted on the plans. Any fencing constructed on the site should comply with the standards for such in UDC [11-3A-7](#).

Mechanical Equipment: All mechanical equipment on the back of the building or on the rooftop and all outdoor service and equipment should be incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#). **The plans submitted with the Certificate of Zoning Compliance application should depict the location of all mechanical equipment.**

Trash Enclosure: A trash enclosure exists along the west side of the existing building, which will serve both buildings.

Building Elevations: Conceptual building elevations were submitted as shown in Section VIII.C for the proposed single-story building with a mezzanine; building materials consist of vertical and horizontal metal panels, horizontal corrugated metal panels, fiber-cement panel accents, and glazing with a metal standing seam roof. **The final design is required to be consistent with the Non-Residential design standards for the I-L zoning district listed in the [Architectural Standards Manual](#).**

Certificate of Zoning Compliance & Design Review: A Certificate of Zoning Compliance and Design Review application is required to be submitted for the proposed use prior to submittal of a building permit application to ensure consistency with the conditions in Section IX, UDC standards and design standards for the site design and design of the building.

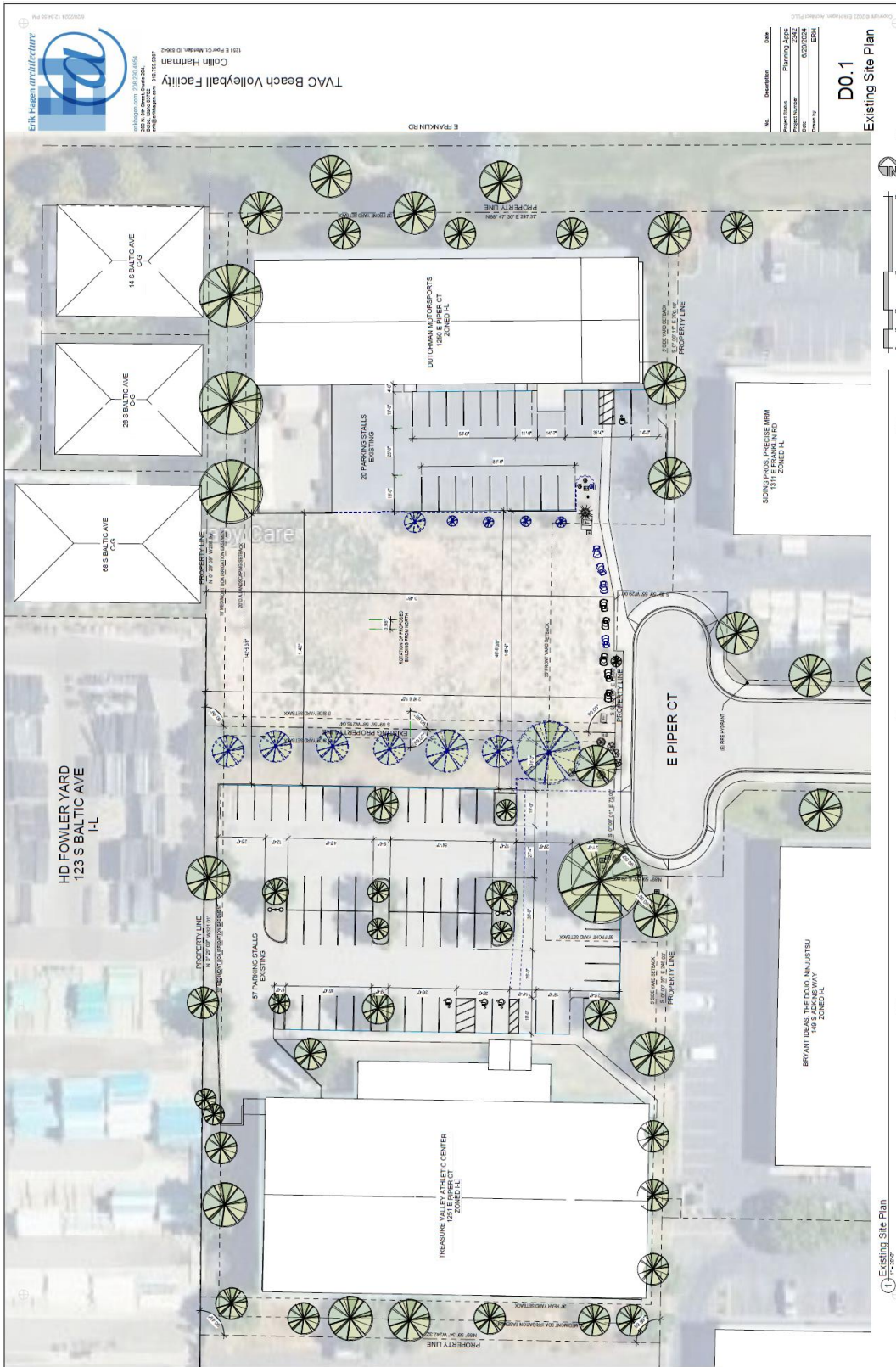
VII. DECISION

A. Staff:

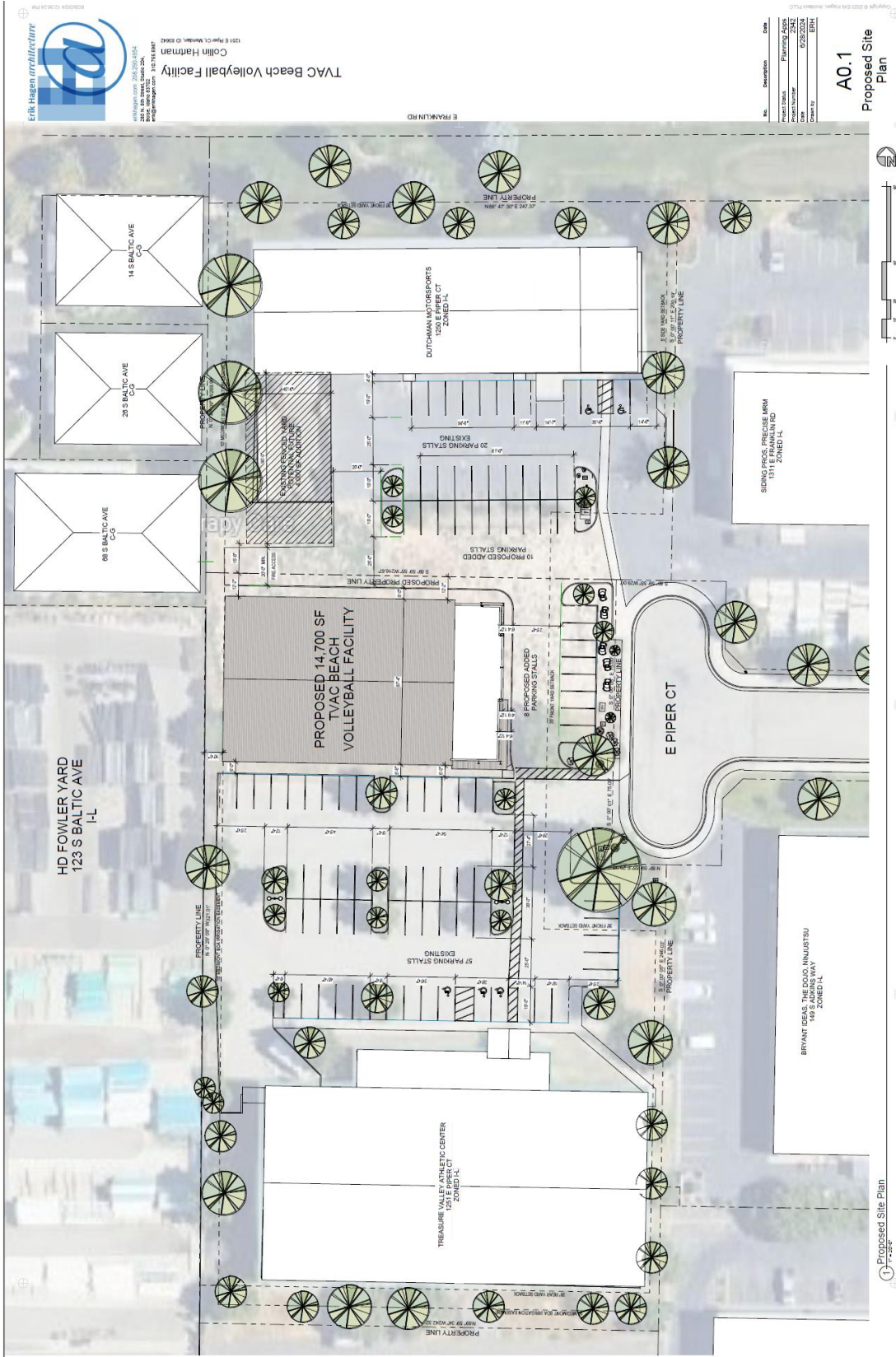
Staff recommends approval of the proposed MCU and MDA applications with the provisions included in Section IX per the Findings in Section X.

VIII. EXHIBITS

A. Existing Approved Site/Landscape Plan



B. Proposed Site/Landscape Plan (dated: 6/28/24)



Erik Hagen architecture
 1201 E. Fifth St. Annapolis, MD 21403
 Phone: 410.293.2054
 Fax: 410.293.2055
 Website: www.ehagen.com
 Email: info@ehagen.com


TVAC Beach Volleyball Facility
 Collin Hartman
 1201 E. Fifth St. Annapolis, MD 21403

No.	Description	Date
1	Prepared	6/28/24
2	Revised	6/28/24
3	Revised	6/28/24
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6	Revised	6/28/24
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 Proposed Site
 Plan

Proposed Site Plan
 11-286

C. Building Elevations & Floor Plan (dated: 6/28/24)

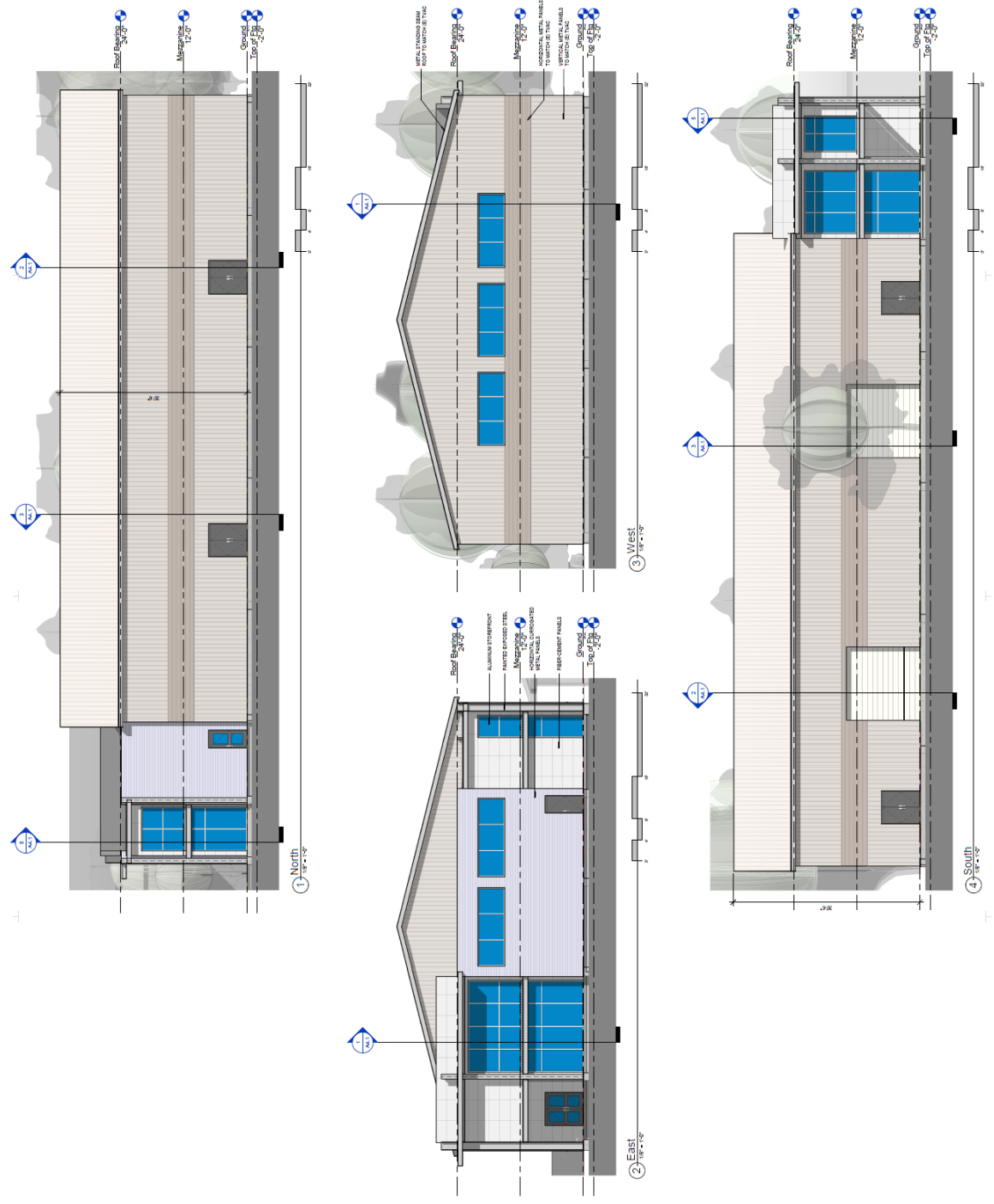


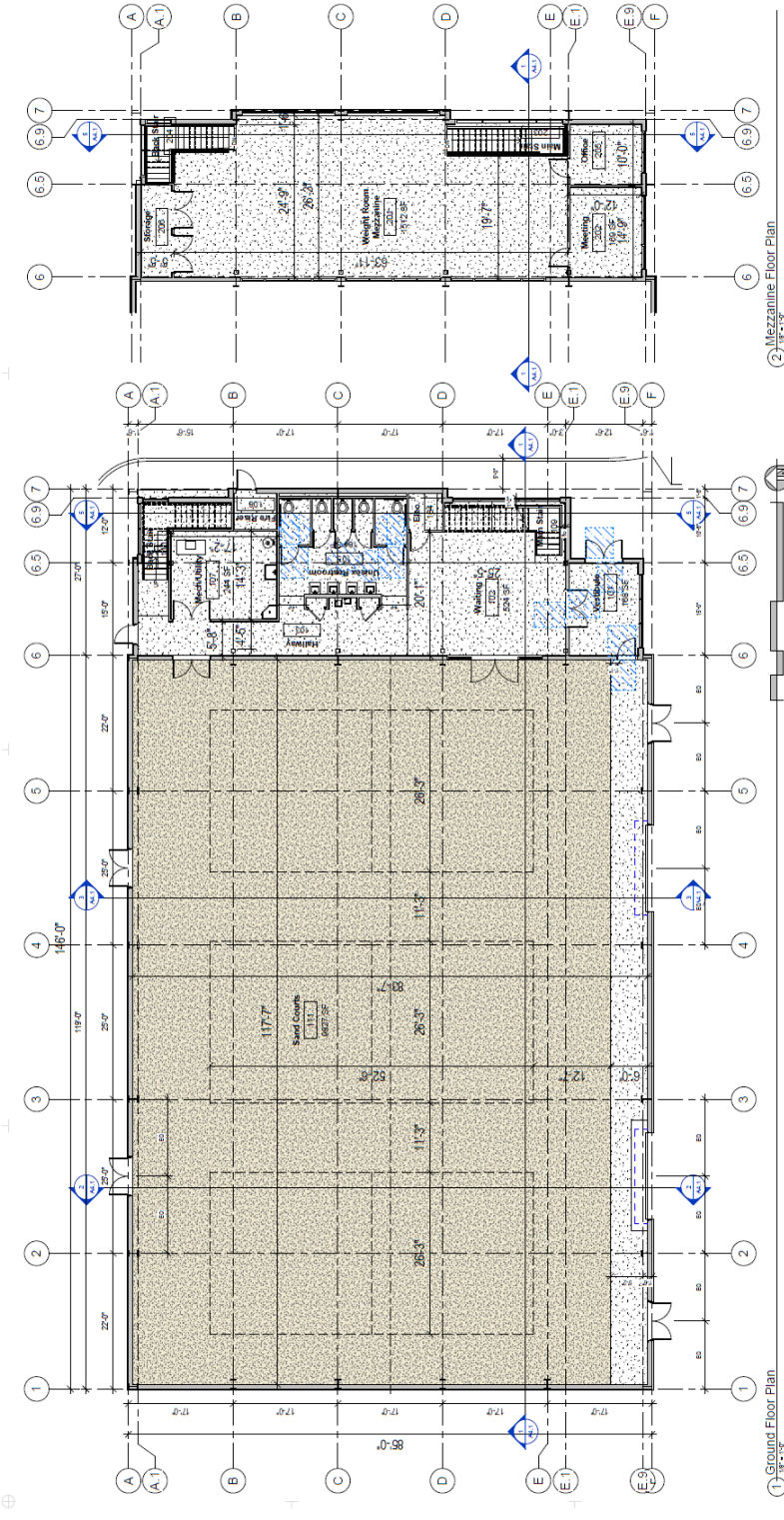
Erik Hagen architecture
 ARCHITECTURE FIRM
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 Phone: 814.343.8887
 Email: erik@erikhagen.com

TVAC Beach Volleyball Facility
 Collin Hartman
 1215 E. Maple Ct., Madison, ID 83604

No.	Description	Date
1	Project Issue	Planning Apps
2	Issue Number	2042
3	Issue Date	06/28/24
4	Issue By	ERH

A3.1 Exterior Elevations



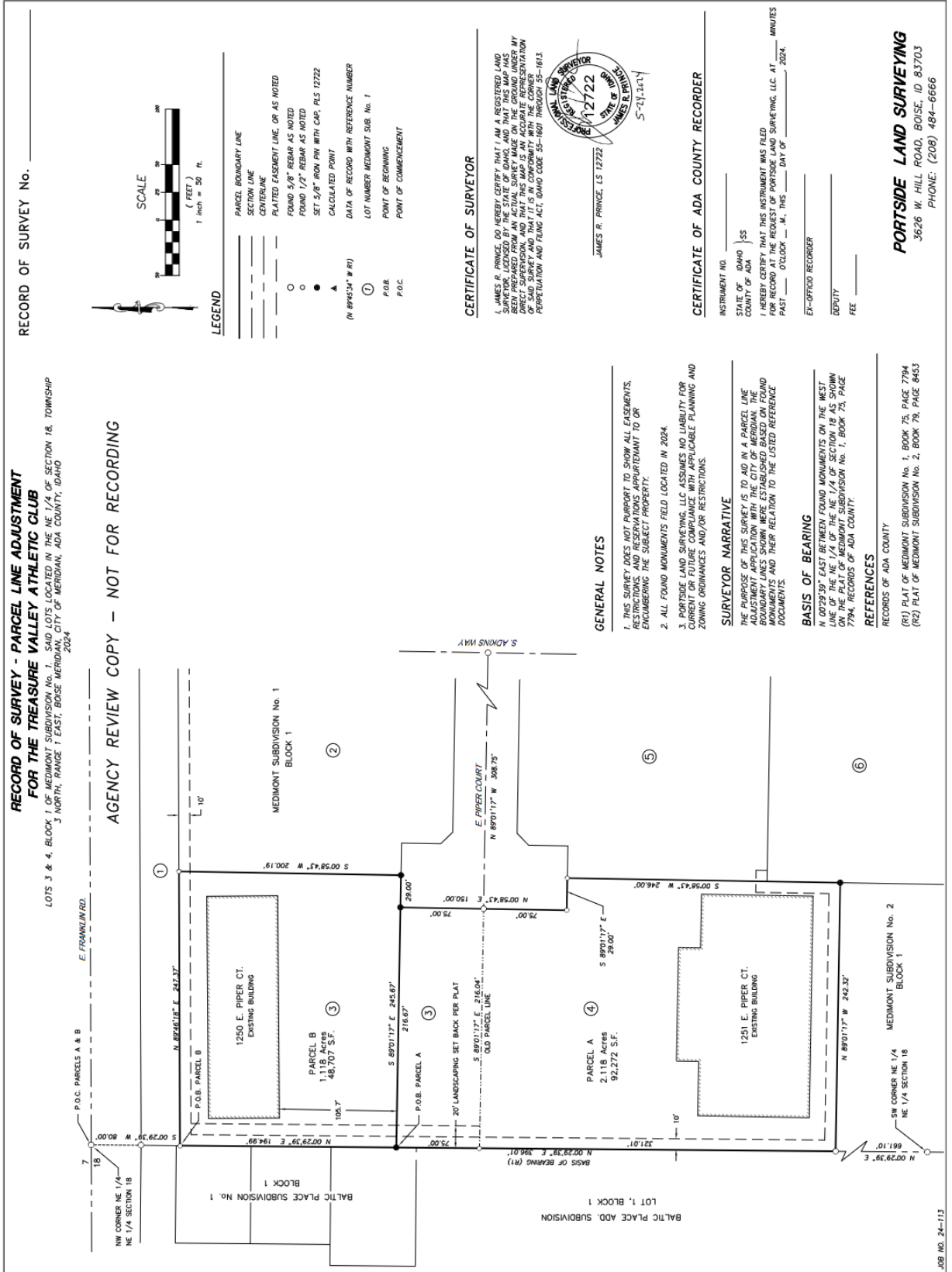


No.	Description	Date
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A1.1

 Floor Plans

D. Record of Survey – Tentatively Approved (PBA-2024-0009)



E. Legal Description of Property Subject to the New Development Agreement

PORTSIDE LAND
SURVEYING, LLC

EXHIBIT A

Parcel A

A parcel of land being all of Lot 4, Block 1 and a portion of Lot 3, Block 1 of Medimont Subdivision No. 1, Book 75, Page 7794, Records of Ada County, said parcel being located in the Northeast Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 1 East, Boise Meridian, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 18, thence along the West line of said Northeast Quarter, South 00°29'39" West a distance of 80.00 feet to the Northwest corner of said Lot 3; Thence along the West line of said Lot 3, South 00°29'39" West a distance of 194.99 feet to the True Point of Beginning;

Thence leaving said West line, South 89°01'17" East a distance of 216.67 feet to a point on the East line of said Lot 3;

Thence along said East line, South 00°58'43" West a distance of 75.00 feet to the Northeast corner of said Lot 4;

Thence along the East line of said Lot 4, South 00°58'43" West a distance of 75.00 feet an angle point in the boundary of said Lot 4;

Thence along the boundary line of said Lot 4, South 89°01'17" East a distance of 29.00 feet to an angle point boundary of said Lot 4;

Thence along the East line of said Lot 4, South 00°58'43" West a distance of 246.00 feet the Southeast corner of said Lot 4;

Thence along the South line of said Lot 4, North 89°01'17" West a distance of 242.32 feet to the Southwest corner of said Lot 4;

Thence along the West line of said Lot 4, North 00°29'39" East a distance of 321.01 feet to the Northwest corner of said Lot 4, also being the Southwest corner of said Lot 3;

Thence along the West line of said Lot 3, North 00°29'39" East a distance of 75.00 feet to the True Point of Beginning.

Said Parcel containing 2.118 Acres, (92,272 s.f.) more or less.

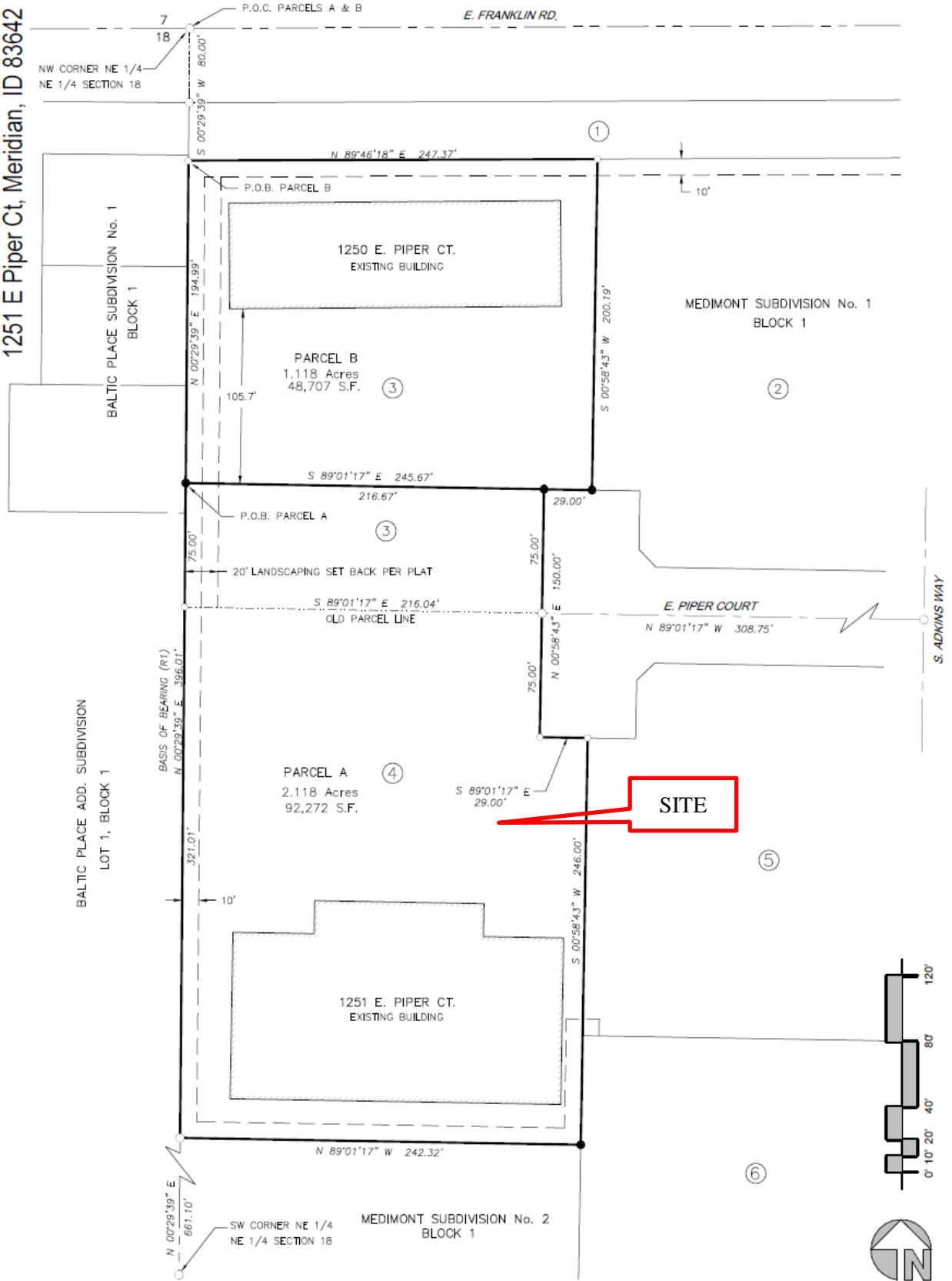
End Description
Project No. 24-113
Prepared May 22, 2024



5-24-2024

Property Boundary Adjustment Exhibit Map

Treasure Valley Athletic Club
 1251 E Piper Ct, Meridian, ID 83642



IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING

1. A new Development Agreement (DA) shall be required as a provision of the MDA application for Parcel A shown on the Record of Survey in Section VIII.D, which consists of Lot 3 and a portion of Lot 4, Block 1, Medimont Subdivision No. 1. The previous DA (Inst. #97072405) for Medimont Subdivision shall no longer be in effect for the subject property.

A new DA shall be entered into between the City of Meridian, the property owner(s), and the developer. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the subject application. The DA shall, at minimum, incorporate the following provisions:

- i. Future development of this site shall be generally consistent with the site/landscape plan and conceptual building elevations submitted with the conditional use permit modification (MCU-2024-0003) and shall comply with the associated conditions of approval.
 - ii. The minimum rear yard setback shall be ten (10) feet from the property line so as not to encroach in the irrigation pipe easement depicted on the Medimont Subdivision No. 1 plat. All other setbacks shall be as required by the Unified Development Code.
 - iii. A copy of the executed shared parking and cross-access agreement with the abutting property to the north at 1250 E. Piper Ct. shall be submitted with the Certificate of Zoning Compliance application.
 - iv. The Applicant shall receive final approval of the property boundary adjustment application (PBA-2024-0009) prior to submittal of the Certificate of Zoning Compliance application.
2. The site plan and landscape plan submitted with the Certificate of Zoning Compliance application shall be revised as follows:
 - a. Depict a bicycle rack for the new structure that complies with the location and design standards listed in UDC 11-3C-5C; include a detail of the bicycle rack.
 - b. Depict landscaping within the 10-foot wide street buffer along E. Piper Ct. in accord with the standards listed in UDC 11-3B-7C.
 - c. Depict landscaping within the new planter areas in the parking area on the east side of the new building adjacent to E. Piper Ct. in accord with the standards listed in UDC 11-3B-8C.
 - d. Include mitigation information for existing trees that are removed from the site in accord with the standards listed in UDC 11-3B-10C.5.
 - e. Depict a minimum 5-foot wide pedestrian walkway from the perimeter sidewalk to the main building entrance of the new building distinguished from the vehicular driving surface through the use of pavers, colored or scored concrete, or bricks in accord with the standards listed in UDC 11-3A-19.B.4.
 - f. Depict a minimum 7-foot wide sidewalk on the south side of the new building to allow for 2-feet of vehicle overhang in accord with UDC 11-3C-5B.4.
 - g. Depict all mechanical equipment on the plans. *All mechanical equipment on the back of the building or on the rooftop and all outdoor service and equipment should be*

incorporated into the overall design of buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets as set forth in UDC [11-3A-12](#).

3. Any fencing constructed on the site shall comply with the standards for such in UDC [11-3A-6C](#) and [11-3A-7](#).
4. All outdoor lighting shall comply with the standards listed in UDC 11-3A-11. These standards may be modified through the approval of a conditional use permit.
5. A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed structure and associated site improvements prior to submittal of a building permit application. The design of the proposed structure shall comply with the Non-Residential design standards for the I-L zoning district in the Architectural Standards Manual.
6. The conditional use permit is 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 as set forth in UDC [11-5B-6](#). A time extension may be requested as set forth in UDC 11-5B-6F.

Please see the project files ([H-2024-0033](#) & [MCU-2024-0003](#)) included in the public record for other City Department and Agency comments.

X. FINDINGS

Conditional Use (UDC 11-5B-6)

Findings: 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.

Staff finds the site is large enough to accommodate the proposed development and meet all dimensional and development regulations of the I-L zoning district.

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

Staff finds the proposed the expansion of the indoor recreation facility use will be harmonious with the Comprehensive Plan and is consistent with applicable UDC standards with the conditions noted in Section IX of this report.

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.

Staff finds the design, construction, operation and maintenance of the proposed use will be compatible with other uses in the general neighborhood, with the existing and intended character of the vicinity and will not adversely change the essential character of the area if the applicant complies with the conditions noted in Section IX of this report.

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

Staff finds the proposed use will not adversely affect other properties in the vicinity if it complies with the conditions in Section IX of this report.

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.

Staff finds the proposed use will be served by essential public facilities and services as required.

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.

Staff finds the proposed use will not create additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

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.

Staff finds the proposed use will not be detrimental to any persons, property or the general welfare by the reasons noted above.

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)

Staff finds the proposed use will not result in the destruction, loss or damage of any such features.

9. Additional findings for the alteration or extension of a nonconforming use:

- a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,

This finding is not applicable.

- b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.

This finding is not applicable.