

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



In the Matter of the Request for Conditional Use Permit for a Multi-family Development Consisting of 57 Dwelling Units on 4.81-Acres of Land in the C-C Zoning District; and a Combined Preliminary/Final plat (PFP) Consisting of One (1) Residential Building Lot, Two (2) Commercial Building Lots and One (1) Other Lot, on 9.01-Acres of Land in the C-C Zoning District for Driftwood Subdivision, by Brighton Development, Inc.

Case No(s). H-2023-0021

For the City Council Hearing Date of: August 8, 2023 (Findings on August 22, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of August 8, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of August 8, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of August 8, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of August 8, 2023, 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 August 8, 2023, 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 Conditional Use Permit and Combined Preliminary & Final Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of August 8, 2023, 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).

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code § 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

F. Notice of Right to Regulatory Takings Analysis

Pursuant to Idaho Code §§ 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

G. Attached: Staff Report for the hearing date of August 8, 2023

By action of the City Council at its regular meeting held on the _____ day of _____, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL VICE PRESIDENT JOE BORTON VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER JOHN OVERTON VOTED_____

COUNCIL MEMBER LIZ STRADER VOTED_____

MAYOR ROBERT SIMISON VOTED_____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

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

By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT	
COMMUNITY DEVELOPMENT DEPARTMENT	

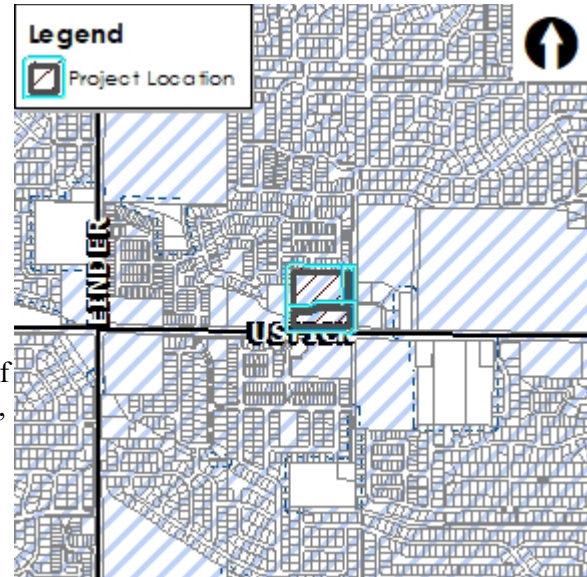
HEARING DATE: August 8, 2023

TO: Mayor & City Council

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

SUBJECT: Driftwood Subdivision – CUP, PFP
[H-2023-0021](#)

LOCATION: 870 W. Ustick Rd., at the NWC corner of
W. Ustick Road and N. Venable Avenue,
in the SW 1/4 of Section 36, T.4., R.1W.



I. PROJECT DESCRIPTION

Conditional Use Permit (CUP) for a multi-family development consisting of 57 dwelling units on 4.81 acres of land in the C-C zoning district; and a combined preliminary/final plat (PFP) consisting of one (1) residential building lot, two (2) commercial building lots and one (1) other lot, on 9.01 acres of land in the C-C zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	4.81 acres
Future Land Use Designation	Mixed Use - Community (MU-C)
Existing Land Use	Vacant/undeveloped
Proposed Land Use(s)	Multi-family residential & commercial
Current Zoning	C-C (Community Business District)
Proposed Zoning	NA
Lots (# and type; bldg/common)	3 building (1 residential & 2 commercial)/1 common/other lot
Phasing plan (# of phases)	1
Number of Residential Units (type of units)	57 multi-family (townhome style) units
Density (gross & net)	12 units/acre (gross)
Open Space (acres, total [%] / buffer / qualified)	0.46-acre (required); 0.48-acre (proposed) – not all is qualified. <i>See Section VI.A for more information.</i>

Amenities	Clubhouse, children's play structure and picnic area with a shade structure.
Physical Features (waterways, hazards, flood plain, hillside)	An irrigation ditch runs along the southern boundary of the property adjacent to Ustick Rd.
Neighborhood meeting date	3/23/23
History (previous approvals)	AZ-07-018 Settler's Square (Ord. #08-1364, DA Inst. # 108059803); H-2016-0074 (MDA) (DA Inst. # 2016-097989); H-2021-0072 (MDA) (Settler's Square DA Inst. # 2022-008733 – this DA replaced all previous DA's); A-2022-0111 (CZC for site improvements including an internal shared access drive-aisle with detached sidewalk & associated landscaping and storm drainage).

B. Community Metrics

Description	Details																			
Ada County Highway District																				
• Staff report (yes/no)	Yes																			
• Requires ACHD Commission Action (yes/no)	No																			
• TIS (yes/no)	No (not required)																			
• Existing Conditions	<table><tr><th>Roadway</th><th>Frontage</th><th>Functional Classification</th><th>PM Peak Hour Traffic Count</th><th>PM Peak Hour Level of Service</th></tr><tr><td>Ustick Road</td><td>635-feet</td><td>Principal Arterial</td><td>1,045</td><td>Better than "D"</td></tr><tr><td>Venable Avenue</td><td>615-feet</td><td>Collector</td><td>108</td><td>Better than "D"</td></tr></table> * Acceptable level of service for a five-lane principal arterial is "E" (1,780 VPH). * Acceptable level of service for a two-lane collector is "D" (425 VPH). Ustick Rd. is improved with 5-travel lanes, vertical curb, gutter and 5' wide detached sidewalk. There is 96' of ROW for Ustick Rd. (48' from centerline). Venable Ave. is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 58' of ROW for Venable (30' from centerline).					Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Ustick Road	635-feet	Principal Arterial	1,045	Better than "D"	Venable Avenue	615-feet	Collector	108	Better than "D"
Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service																
Ustick Road	635-feet	Principal Arterial	1,045	Better than "D"																
Venable Avenue	615-feet	Collector	108	Better than "D"																
• CIP/IFYWP	There are no roadways, bridges, or intersections in the general vicinity of the project that are in the District's Capital Improvement Plan (CIP). Venable Street is scheduled in the IFYWP to be established as a new bikeway corridor with wayfinding/bikeway signage, pavement markings, and enhanced crossings at Ustick Road. The design year is scheduled in 2024; no construction year has been determined at this time.																			

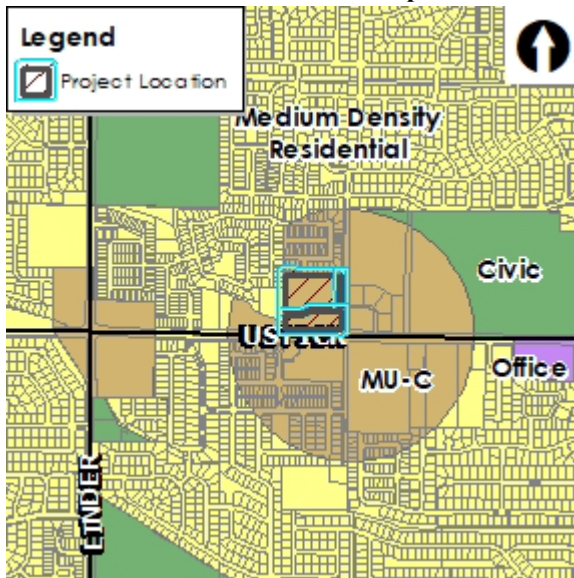
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed via Venable Ave., an existing local street designated on the MSM as a residential collector street; no access is proposed or allowed via Ustick Rd., an arterial street.
Proposed Road Improvements	No improvements are proposed to Ustick Rd.; Venable is proposed to be improved as ½ of a 36' street section with curb, gutter and 7' wide attached sidewalk within the existing ROW.
Estimated Trip Generation	1,717 trips per day

Fire Service	
• Distance to Fire Station	1.8 miles from Station #3
• Fire Response Time	This development currently falls in an area where we don't have total response times that meet NFPA 1710 standards or adopted standards.
• Resource Reliability	77% (does not meet target goal of 80% or greater)
• Risk Identification	2 (current resources would be adequate to supply service)
• Accessibility	Meets required access, road widths and turnarounds.
• Special/resource needs	Will require an aerial device; can meet this need.

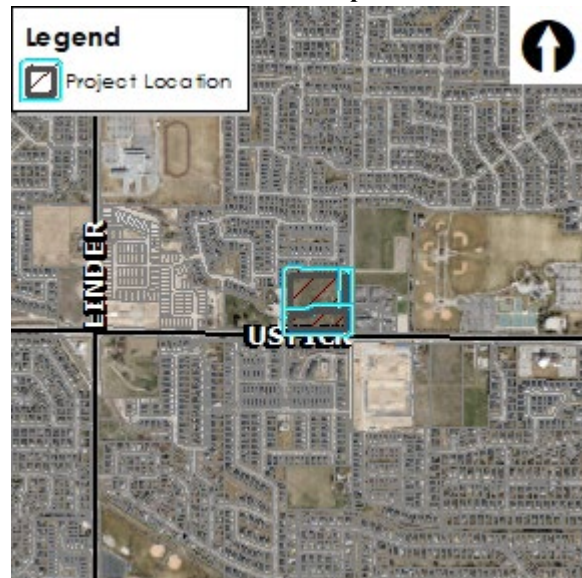
• Water Supply	1,500 gallons per minute for 2 hours	
• Other Resources		
Police Service	No comments received	
West Ada School District	No comments received	
Wastewater	See comments in Section IX.B	
Water	See comments in Section IX.B	

C. Project Maps

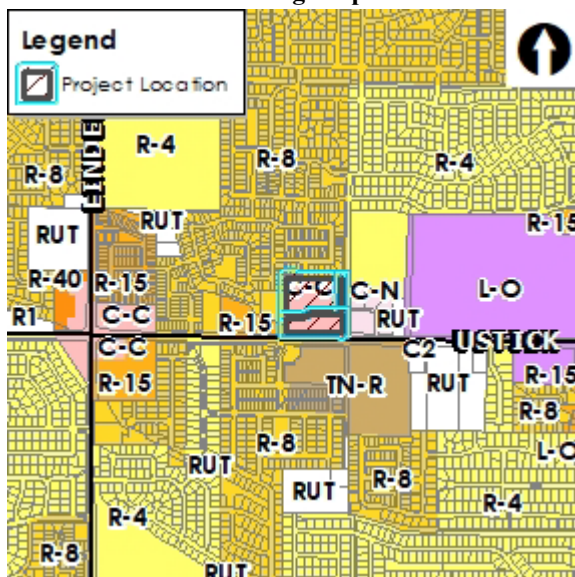
Future Land Use Map



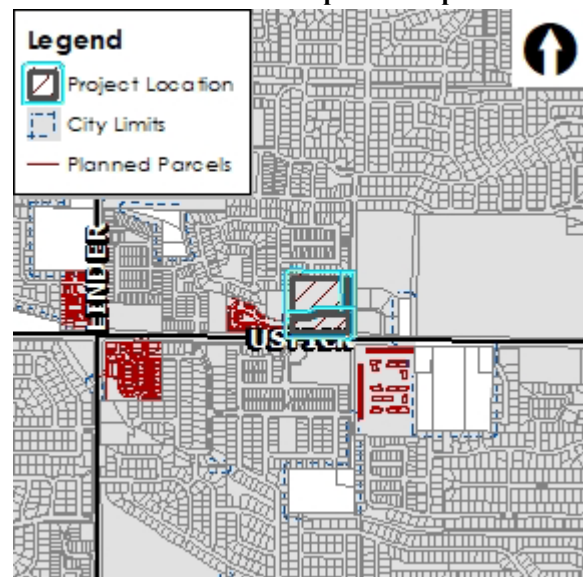
Aerial Map



Zoning Map



Planned Development Map



III. APPLICANT INFORMATION

A. Applicant:

Josh Beach, Brighton Development, Inc. – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

B. Owner:

Brighton Ustick, LLC – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	6/21/2023	7/23/2023
Radius notification mailed to property owners within 300 feet	6/9/2023, 6/20/2023	7/21/2023
Public hearing notice sign posted on site	6/24/2023	07/11/2023
Nextdoor posting	6/8/2023	7/20/2023

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Mixed Use – Community (MU-C).

The purpose of the MU-C 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 tend to be larger than in Mixed Use Neighborhood (MU-N) areas, but not as large as in Mixed Use Regional (MU-R) 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. Developments are encouraged to be designed according to the conceptual MU-C plan depicted in Figure 3C in the Comprehensive Plan (pg. 3-19).

Sample uses appropriate in MU-C areas include: All MU-N categories, community grocer, clothing stores, garden centers, hardware stores, restaurants, banks, drive-thru facilities, auto service station, and retail shops, and other appropriate community-serving uses. Sample zoning include: R-15, R-40, TN-R, TN-C, C-C, and L-O.

TRANSPORTATION: The Master Street Map (MSM) depicts N. Venable Ave. as a residential collector street and W. Ustick Rd., as a planned commercial arterial street.

PROPOSED USE: The Applicant proposes to develop the northern portion of this site with a 57-unit multi-family development with townhome-style units and the southern portion of the site with commercial uses consistent with the uses desired in MU-C designated areas. The proposed gross density of the residential portion of the site is 12 units/acre, which is within the desired range in MU-C designated areas of 6 to 15 units/acre and consistent with the concept plan approved in the development agreement.

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 townhouse-style multi-family units will contribute to the variety of housing types in this area of the City.

- “Require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.” (5.01.02D)

The proposed design of the townhome-style units should be compatible with the design of adjacent single-family homes. Perimeter landscaping is proposed along the north and northwest boundaries along with a 6-foot tall vinyl fence to buffer the existing residential homes. The east/west driveway through the site and associated landscaping should provide a transition to proposed residential and 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.

- “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 multi-family townhouse-style units will contribute to the mix of housing types available for rent in the City and in this area. There is currently a mix of single-family detached dwellings and multi-family apartments and townhome-style units in this area.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed multi-family use should be compatible with adjacent single-family uses as they’re residential in nature. The proposed site design with landscaping and fencing around the perimeter should minimize conflicts and maximize use of land.

- “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; services are required to be provided to and through this development in accord with current City plans.

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

This is an infill development; development of this vacant site will result in more efficient provision of public services.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks is required to be provided with development as proposed.

- “Encourage and support mixed-use areas that provide the benefits of being able to live, shop, dine, play, and work in close proximity, thereby reducing vehicle trips, and enhancing overall livability and sustainability.” (3.06.02B)

The proposed multi-family development is in close proximity to Settler's park, a convenience store/gas station and other neighborhood services. Future development of the commercial portion of the site should offer more variety of uses to serve area residents.

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

Development of the subject infill property, currently in the City limits, is encouraged over parcels on the fringe of the City. The development of this property will result in better provision of City services.

VI. STAFF ANALYSIS

A. CONDITIONAL USE PERMIT (CUP)

A CUP is requested for a multi-family development consisting of 57 dwelling units on 4.81 acres of land in the C-C zoning district. Townhome-style units in 15 separate structures are proposed in 3- and 4-unit clusters consisting of a mix of 2-bedroom (13) and 3-bedrooms (44) with a minimum of 1,250 square feet for each unit.

The existing Development Agreement (Inst. #[2022-008733](#)) for Settler's Square entitled this property to develop with approximately 60 apartment units per the approved conceptual development plan.

Dimensional Standards: Future development is required to comply with the minimum dimensional standards of the C-C zoning district in UDC [Table 11-2B-3](#). **The Applicant should confirm with the Building Dept. the proposed building separation meets the minimum standards – a greater separation or fire-rated walls will likely be required.**

Phasing: The multi-family development is proposed to be constructed in one phase.

Access: Access is proposed via a driveway from N. Venable Ave., a collector street, at the east boundary and N. Buckstone Ave., a local street, at the north boundary. Buckstone currently stubs to the north boundary of this site.

Pathways: A multi-use pathway is depicted on the Pathways Master Plan (PMP) along the northern boundary of this site; however, the Park's Dept. requests an alternate alignment for the pathway from the sidewalk along Venable Ave. east/west through the site along the drive-aisle to the west property boundary. The proposed 5-foot wide sidewalk is an adequate width but should be extended to the west property boundary for future extension. **A 9-foot wide public pedestrian easement should be recorded for the pathway in accord with Park's Dept. requirements prior to issuance of Certificate of Occupancy.**

Fencing: A new 6-foot tall solid vinyl fence is proposed along the north and west sides of the development as shown on the landscape plan. Fencing should comply with the standards listed in UDC [11-3A-7](#).

Specific Use Standards (UDC 11-4-3):

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

[11-4-3-27](#): MULTI-FAMILY DEVELOPMENT:

“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. ***A minimum 25-foot wide buffer to residential uses is required in the C-C zoning district per UDC [Table 11-2B-3](#); therefore, all structures along the north and west boundaries adjacent to residential***

uses must be setback a minimum of 25 feet from the property line. The plans should be revised to reflect compliance with this standard.

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. ***All proposed transformer/utility vaults and other service areas shall comply with this requirement. A trash dumpster/enclosure should be depicted on the site plan and should accommodate recycling.***
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 access ways 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. ***Floor plans should be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with this standard.***
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. ***The 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. ***The proposed parking meets and exceeds UDC standards per the analysis below.***

Based on (13) 2-bedroom units and (44) 3-bedroom units, a minimum of 164 off-street parking spaces are required, including guest parking, with 57 of those in a covered carport or garage. A total of 194 spaces are proposed, with 84 of those in garages, which exceeds the minimum standard by 30 spaces. **Accessible parking is required in accord with ADA standards.**

Based on 194 vehicle parking spaces provided, a minimum of eight (8) bicycle parking spaces shall be provided in accord with the design standards listed in UDC [11-3C-5C](#). Five (5) exterior bicycle rack spaces are proposed; **a minimum of eight (8) parking spaces should be provided.**

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)

The Applicant's narrative states the clubhouse will include a property management/maintenance office and provisions for mail delivery. The site plan/floor plan submitted with the Certificate of Zoning Compliance application should depict the location of all of the aforementioned items.

C. Common Open Space Design Requirements (UDC [11-4-3-27C](#)):

The total baseline land area of all qualified common open space shall equal or exceed ten (10) percent of the gross land area for multi-family developments of five (5) acres or more. *Because this site is below 5 acres in size, this standard is not applicable.*

In addition to the baseline open space requirement, 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. *None of the units are below 500 square feet (s.f.) 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. *All units exceed 1,200 s.f.*
- c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *All 57 units exceed 1,200 s.f. of living area; therefore, a minimum of 19,950 s.f. (or 0.46-acre) of common open space is required. A total of 0.48-0.55-acre of qualified open space is proposed in accord with and exceeding this standard. Additional open space totaling 0.53-acre is proposed, which doesn't meet the design standards for qualified open space but does provide an additional benefit. is proposed consisting of two (2) common open space areas with amenities and the street buffer along the collector street (i.e. Venable Ave.). The street buffer is only allowed to count toward the baseline open space which isn't required with this development. Therefore, a revised open space exhibit that complies with the minimum standard should be submitted prior to the City Council hearing that excludes this area.*

All multi-family projects over 20 units are required to provide at least one (1) common grassy area integrated into the site design allowing for general activities by all ages that is a minimum of 5,000 s.f. in area; the area shall increase proportionately as the number of units increase and shall be commensurate to the size of the development as determined by the decision-making body. Where this area cannot be increased due to site constraints, it may be included elsewhere in the development (UDC [11-4-3-27C.3](#)). ~~*The open grassy area in both of the open space areas is below 5,000 s.f. in area; Staff recommends a minimum 14,250 s.f. (or 0.33-acre) of common grassy area is provided commensurate with the size of the development (i.e. 250 s.f. per unit); the plans should be revised accordingly prior to the City Council hearing. Note: The common area where the tot lot is located exceeds 5,000 s.f.; however, the actual open grassy area outside of the tot lot area is below 5,000 s.f. Section VIII.B. A revised open space exhibit was submitted that depicts one (1) 5,283 s.f. common grassy area and other common grassy areas totaling 16,634 s.f. (or 0.38-acre), which meets and exceeds the recommended area.*~~

All common open space is required to meet the following standards, per UDC [11-4-3-27C.2](#): The development plan shall demonstrate that the open space has been integrated into the development as a priority and not for the use of land after all other elements of the development have been designed. Open space areas that has been given priority in the development design have: (1) Direct pedestrian access; (2) High visibility; (3) Comply with Crime Prevention through Environmental Design (CTED) standards; and (4) Support a range of leisure and play activities and uses. Irregular shaped, disconnected or isolated open spaces shall not meet this standard.b.Open space shall be accessible and well connected throughout the development. This quality can be shown with open spaces that are centrally located within the development, accessible by pathway and visually accessible along collector streets or as a terminal view from a street.c.The open space promotes the health and well-being of its residents. Open space shall

support active and passive uses for recreation, social gathering and relaxation to serve the development.

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'). *The common open space areas depicted on the open space exhibit in Section VIII.B meet this requirement.*

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. *This project is proposed to develop in one phase.*

Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial street buffers 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. The common open space proposed where the clubhouse and tot lot are located is adjacent to Venable Ave., a collector street. ***Therefore, a berm or constructed barrier should be provided in accord with this requirement.***

D. Site Development Amenities:

All multi-family developments shall provide for quality of life, open space, and recreation amenities to meet the particular needs of the residents as noted in UDC [11-4-3-27D.1](#). The number of amenities shall depend on the size of the multi-family development based on the number of units.

For multi-family developments between 20 and 75 units, such as this, a minimum of three (3) amenities shall be provided with at least one (1) from each category.

The following amenities are proposed from each of the following categories: 1) Quality of Life – clubhouse; Open Space – picnic area with a table and shade structure; and Recreation – children's play structure. *The proposed amenities meet the minimum standards.*

- E. Landscaping Requirements: Development shall meet the minimum landscaping requirements in accord with chapter 3, "Regulations Applying to All Districts", of this title. Additionally, all street facing elevations shall have landscaping along their foundation that complies with the standards listed in UDC [11-4-3-27E.2](#), which requires a landscape area at least 3-feet wide planted with one evergreen shrub every three (3) linear feet that has a mature height of 24-inches with ground cover plants in the remainder of the landscaped area. ***The landscape plan submitted with the Certificate of Zoning Compliance application should be revised to include evergreen shrubs in accord with this standard.***

Landscaping is required to be provided along all pathways per the standards listed in UDC [11-3B-12C](#), which require a mix of trees, shrubs, lawn, and/or other vegetative groundcover within 5-foot wide strips on each side of the pathway; depict landscaping per these standards along the east/west pathway adjacent to the drive aisle.

Street buffer landscaping is required along N. Venable Ave., a collector street, in accord with the standards listed in UDC [11-3B-7C](#) with development of the subdivision. Landscaping should be depicted on the plan in accord with the aforementioned standards.

A 25-foot wide buffer is required to adjoining residential uses in the C-C zoning district, per UDC Table 11-2B-3 as shown on the site plan; the landscape plan incorrectly depicts a 15-foot wide buffer which should be revised. Landscaping is required to be installed within the buffer in accord with the standards listed in UDC [11-3B-9C](#). All buffer areas are required to be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, lawn, or other vegetative ground cover that results in a barrier that allows trees to touch within five (5) years of planting. Trees that will not touch until maturity outside of this timeframe must be supplemented with additional

materials such as tall columnar evergreen shrubs, or other qualifying materials. A 10-foot wide public utilities, property drainage, and pressure irrigation easement is designated along the boundary of the subdivision, which prohibits trees within the easement – all trees should be planted outside of the easement area.

- F. Maintenance and Ownership Responsibilities: All multi-family 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.” ***The Applicant shall comply with this requirement; a copy of such shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy within the development.***

Building Elevations (UDC [11-3A-19](#) | [Architectural Standards Manual](#)): Conceptual building elevations were submitted for the 2-story alley-loaded and front-loaded townhome-style units and the clubhouse as shown in Section VIII.C below. Building materials appear to consist of stucco and horizontal siding in two (2) different colors with stone veneer accents. These elevations are generally consistent with those included in the existing Development Agreement (DA) as required.

Final design of all structures is required to comply with the design standards in the Architectural Standards Manual and will be reviewed for compliance with these standards with the Design Review application. **Compliance with the building code requirements for separation between structures within the development is required.**

B. PRELIMINARY PLAT/FINAL PLAT(PFP):

The proposed combined preliminary/final plat (PFP) consists of one (1) residential building lot, (2) commercial building lots and (1) other lot on 9.01 acres of land in the C-C zoning district as shown in Section VIII.D.

Existing Structures/Site Improvements: There are no existing structures on this property.

Dimensional Standards (UDC [11-2](#)): Future development is required to comply with the dimensional standards listed in UDC [Table 11-2B-3](#) for the C-C zoning district.

Access: Access is proposed via a driveway from N. Venable Ave., a collector street, at the east boundary and N. Buckstone Ave., a local street, at the north boundary. Buckstone currently stubs to the northern boundary of this site. An east/west drive aisle was previously approved with the site improvements (A-2022-0111) on Lot 2, Block 1. **The plat depicts a name for this access driveway, which should be removed as this road is a drive aisle and wasn’t approved as a public or private road. If the Applicant wishes to name this road, a private street application should be submitted.**

A cross-access easement is required to be granted to the property abutting the southwest property boundary (Parcel #S0436346613) as set forth in the existing Development Agreement. A copy of the recorded easement shall be submitted to the Planning Division prior to issuance of Certificate of Occupancy for the western commercial pad site OR when Parcel #S0436346613 developers, whichever occurs first.

Landscaping (UDC [11-3B](#)): A 25-foot wide street buffer is required along W. Ustick Rd., an arterial street, and a 20-foot wide street buffer along N. Venable Ave., a collector street, as depicted on the landscape plan. **These buffers shall be depicted on the plat in common lots or dedicated buffer easements, maintained by the property owner, homeowner’s association or business owner’s association as set forth in UDC [11-3B-7C.2a](#).** The buffers should be measured from the back of curb per UDC 11-3B-7C.1a(2).

There are no existing trees on the site that require mitigation.

Sidewalks (11-3A-17): A 5-foot wide detached sidewalk is required along N. Venable Ave., designated as a residential collector street on the Master Street Map, as proposed in accord with UDC 11-3A-17. A 5-foot wide detached sidewalk exists along W. Ustick Rd., an arterial street.

Pathways: A multi-use pathway is required by the Park's Dept. from the sidewalk along Venable Ave. east/west through the site along the drive-aisle to the west property boundary. The proposed 5-foot wide sidewalk is an adequate width but should be extended to the west property boundary for future extension. A 9-foot wide public pedestrian easement should be recorded for the pathway in accord with Park's Dept. requirements and referenced on the final plat.

Fencing: All fencing is required to comply with the standards listed in UDC [11-3A-7](#). The landscape plan depicts 6-foot tall existing fencing along the northern boundary of the site; the Applicant proposes to coordinate with the adjacent property owners to replace the fence with a new 6-foot tall vinyl fence. Six-foot tall vinyl fencing is also proposed along the west boundary of the residential portion of the development (i.e. Lot 1, Block 1).

Waterways: There is an irrigation ditch that runs along the southern boundary of this property that is required to be piped or otherwise covered as set forth in UDC [11-3A-6B.3](#).

Utilities (UDC 11-3A-21): Connection to City water and sewer services is required in accord with UDC 11-3A-21.

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

Pressurized Irrigation System (UDC 11-3A-15): Underground pressurized irrigation water is required to be provided to each lot within the subdivision as set forth in UDC 11-3A-15.

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. A [storm drainage calculations](#) and [Geotechnical Investigation report](#) was submitted with this application.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed conditional use permit (CUP) and combined preliminary and final plat (PFP) per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on July 6, 2023. At the public hearing, the Commission moved to recommend approval of the subject CUP and PFP requests.

1. Summary of Commission public hearing:

- a. In favor: Mike Wardle and Jon Wardle, Brighton Development
- b. In opposition: Letter and petition submitted by Jessica Lords with 373 signatures.
- c. Commenting: Patrick McCabe
- d. Written testimony: Jessica Lords; Mike Wardle, Brighton Development (Applicant) – in agreement with the staff report except for the requirement of a multi-use pathway, which he requests be removed.
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

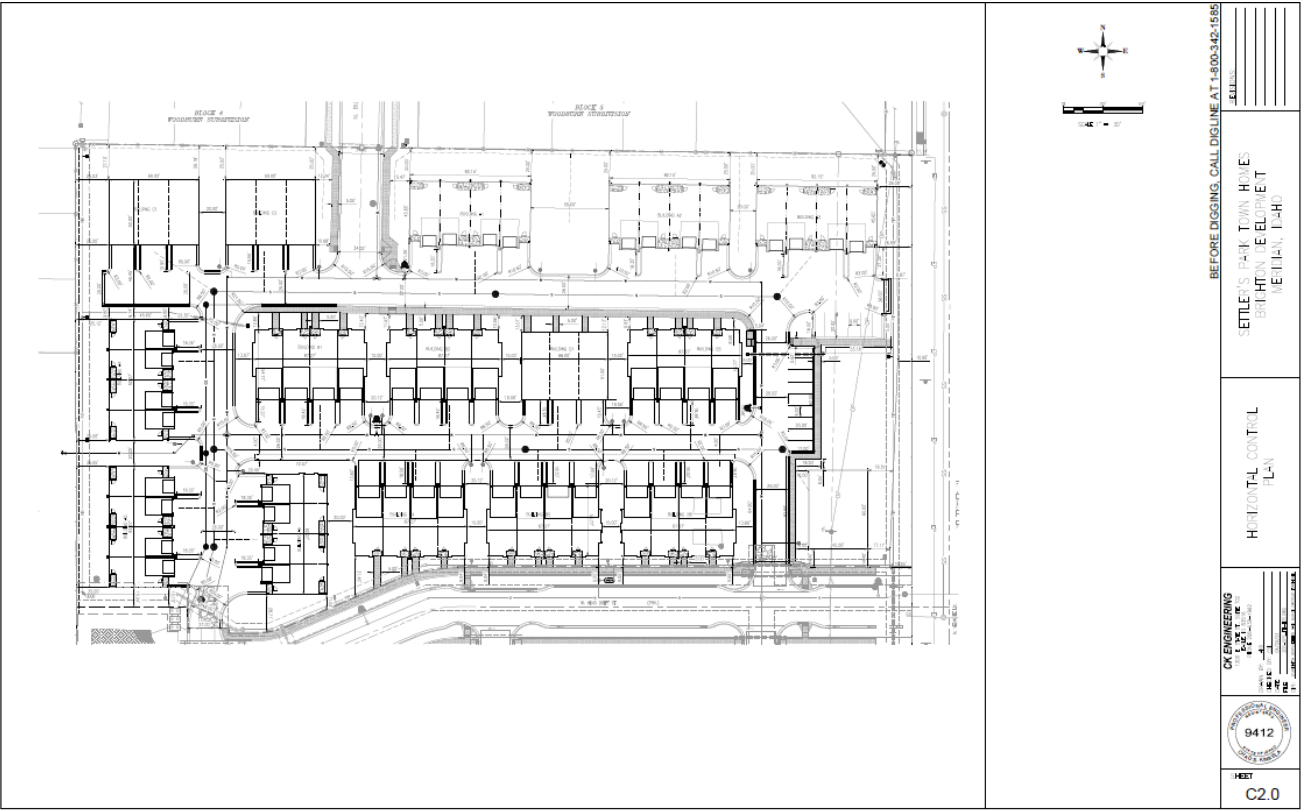
- a. Safety concerns pertaining to added traffic trying to get out onto Ustick Rd. and pedestrians trying to cross Ustick Rd.;

- b. Removal of the requirement for a public pathway to be provided across the site and reason for removal. Possible alternate location for pathway;
 - c. Desire for a traffic signal to be provided at Ustick/Venable and a safe pedestrian crossing across Ustick Rd.
 - 3. Key issue(s) of discussion by Commission:
 - a. In favor of the mix of residential/commercial uses, transition to existing residential uses and townhome-style units proposed.
 - 4. Commission change(s) to Staff recommendation:
 - a. At the Applicant's request and with concurrence from the Park's Dept., delete conditions (i.e. #1.8d, #1.8i, #2.1c and #2.1.5) pertaining to requirement of a multi-use pathway on this site.
 - b. Include a requirement for a (private) pathway to be provided through the commercial portion of the development to the southwest boundary of the site for interconnectivity (see condition #2.3d in Section IX).
 - 5. Outstanding issue(s) for City Council: None
Note: The Applicant submitted an open space exhibit as requested, included in Section VIII.B, that depicts a total of 1.08-acres of common open space – 24,128 s.f. (or 0.55-acre) of which qualifies toward the minimum requirement. A 5,283 s.f. open grassy area and other open grassy areas totaling 16,635 s.f. (red & blue areas depicted on the exhibit) are proposed, which complies with and exceeds the recommended area for the size of the development. Additional open space is provided at the rear of the perimeter units (green areas on the exhibit) above the minimum requirement.
- C. The Meridian City Council heard these items on August 8, 2023. At the public hearing, the Council moved to approve the subject CUP and PFP requests.
- 1. Summary of the City Council public hearing:
 - a. In favor: Jon Wardle, Brighton Development
 - b. In opposition: Martha Lawrence; Jessica Lords; David Phillips
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen, Planning
 - f. Other Staff commenting on application: Shawn Harper, Police Dept.; Joe Bongiorno, Fire Dept.; Caleb Hood, Planning
 - 2. Key issue(s) of public testimony:
 - a. Request for denial of application based on the large amount of residential units that already exist and have been approved in this area and concerns pertaining to increased traffic and capacity of area schools;
 - b. Against proposed development due to safety concerns for children with traffic cutting through the neighborhood to the north via Buckstone; increased traffic on adjacent streets and safety concerns at the Ustick/Venable intersection;
 - c. Against more residential units, especially for rent, in this area; preference for commercial use of the property.
 - 3. Key issue(s) of discussion by City Council:
 - a. Desire for Staff/Applicant to work with ACHD on reconfiguring the Ustick/Venable intersection and inclusion of a traffic signal at the intersection;
 - b. The possibility of adding traffic calming in the development to the north to address safety concerns with cut-through traffic;
 - c. In favor of the design of the proposed residential units and the uses proposed within the development;

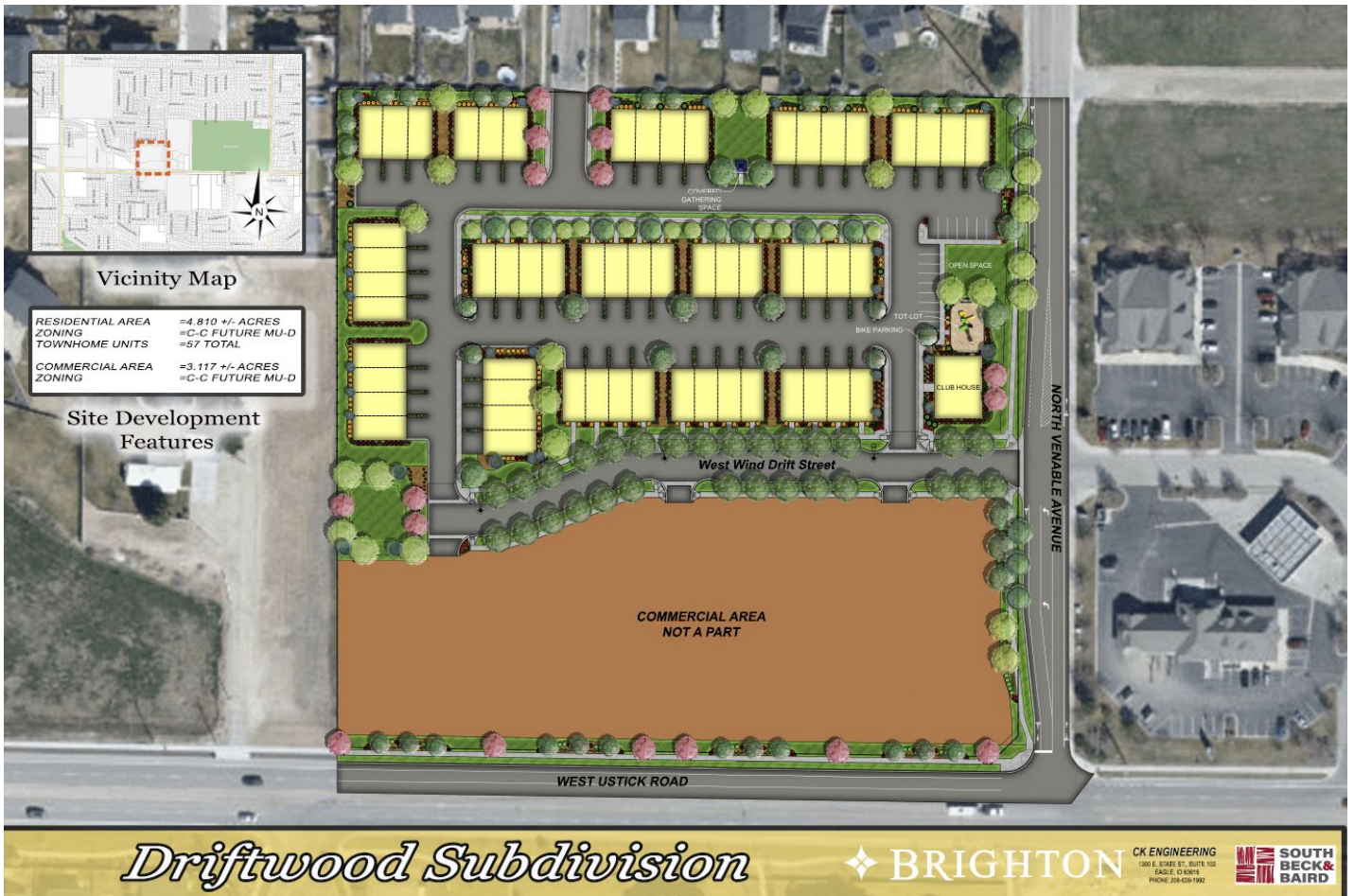
- d. Relocation of the common area adjacent to Venable to a more central location away from the street or at a minimum, a fence along Venable for safety.
- 4. City Council change(s) to Commission recommendation:
 - a. Council *strongly* recommends the Applicant collaborate with City Staff and ACHD in regard to the concerns discussed at the Council hearing pertaining to Venable Ave. and the Ustick/Venable intersection. Council required fencing to be installed along Venable adjacent to the common area and requested the Applicant consider relocating the tot lot to an internal common area away from the street (see condition #1.8k).

VIII. EXHIBITS

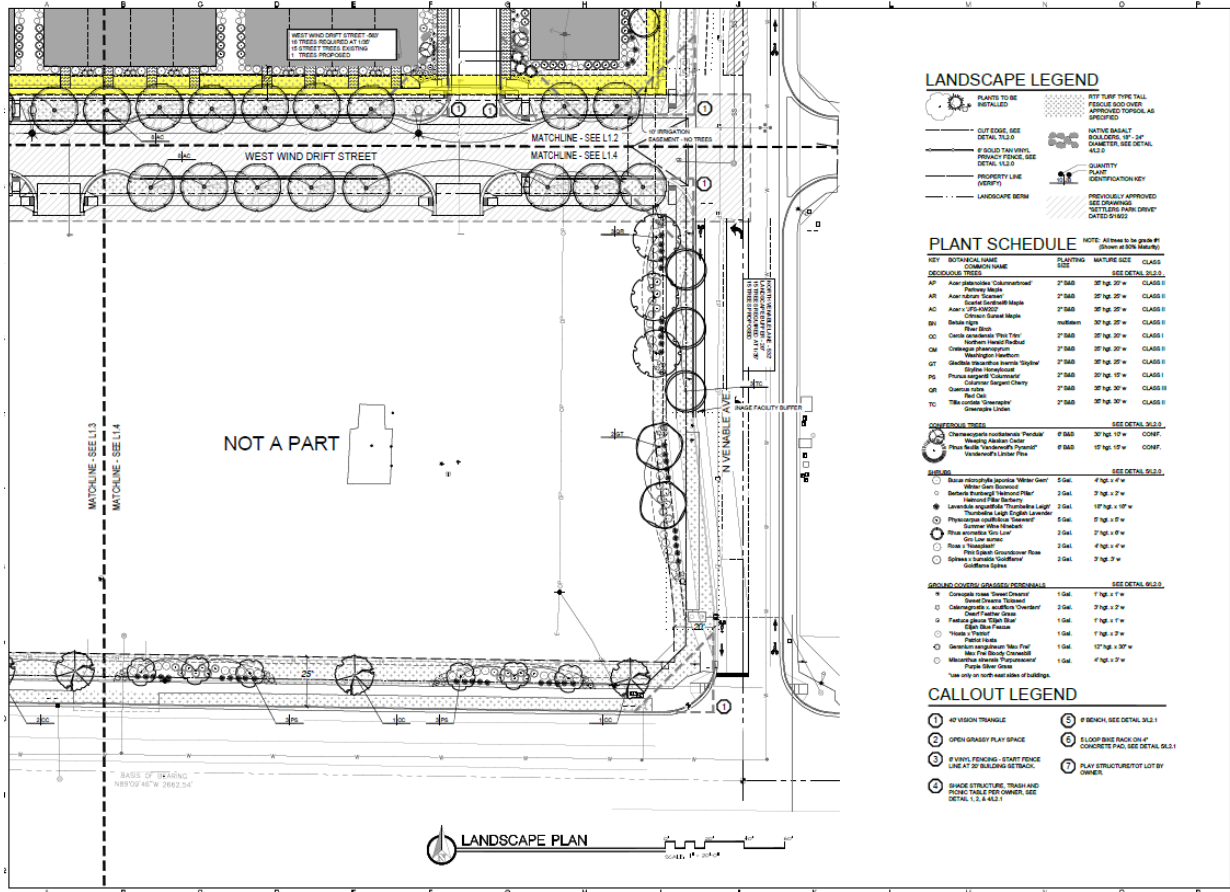
A. Site Plan (dated: 4/20/23)



B. Landscape Plan (dated: 2/28/23) & Open Space and Amenity Details







LANDSCAPE PLAN

DRIFTWOOD SUBDIVISION

MERIDIAN, IDAHO

DATE: 1/28/2023

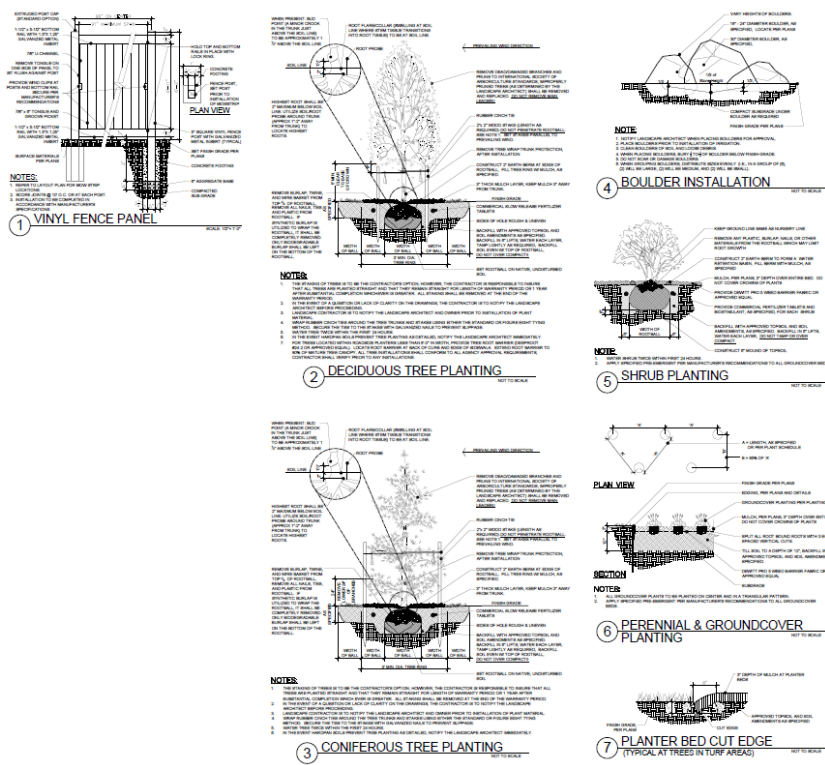
DESIGNED BY: [Signature]

DRAWN BY: [Signature]

CHECKED BY: [Signature]

PROJECT NUMBER: 22-170

SHEET: L1.4



LANDSCAPE DETAILS

DRIFTWOOD SUBDIVISION

MERIDIAN, IDAHO

DATE: 1/28/2023

DESIGNED BY: [Signature]

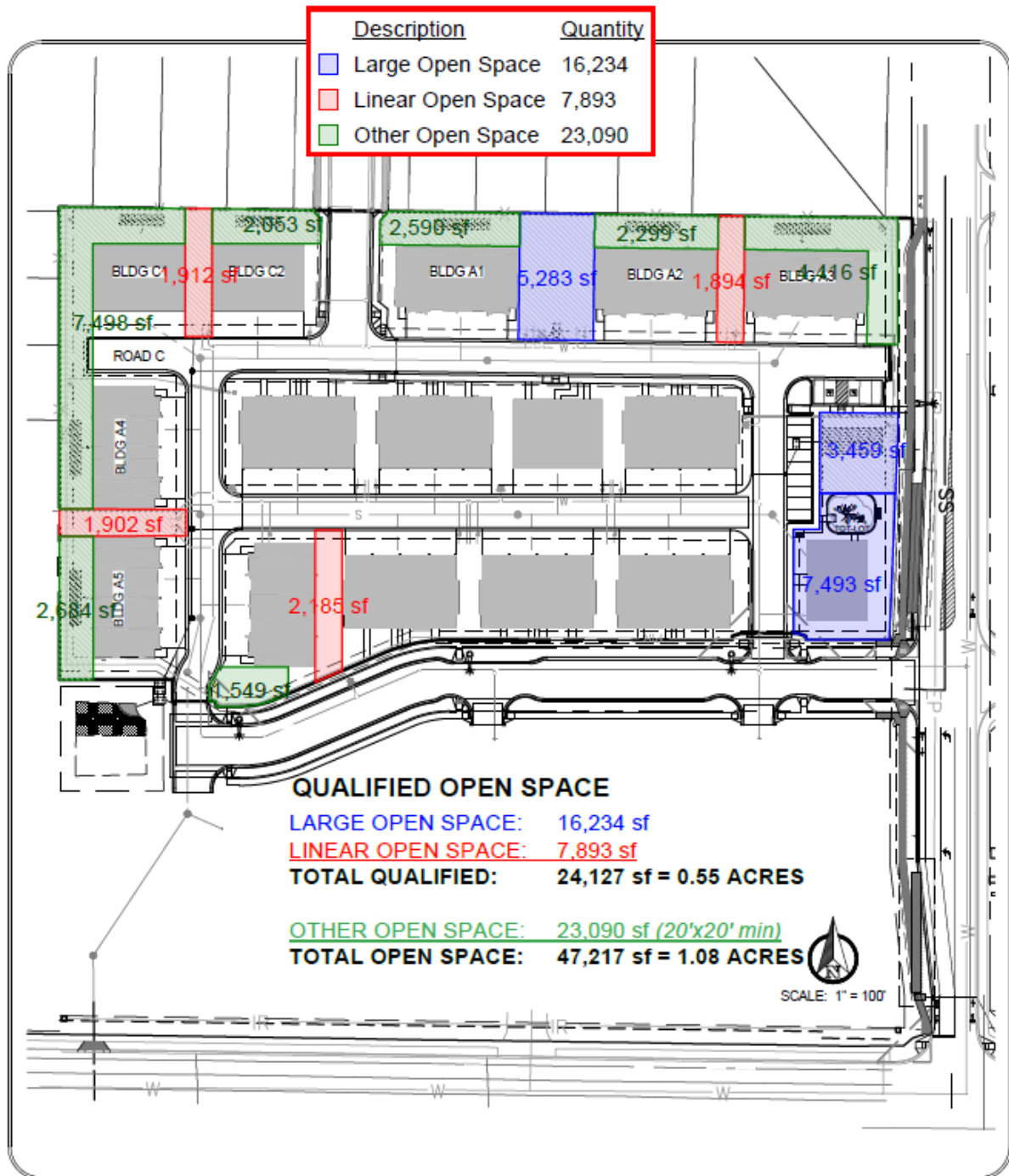
DRAWN BY: [Signature]

CHECKED BY: [Signature]

PROJECT NUMBER: 22-170

SHEET: L2.0

Revised Open Space Exhibit (dated: 8/2/23):



DETAIL: GRASSY OPEN SPACE EXHIBIT		REVISION:	DATE: 8/2/2023
SOUTH BECK & BAIRD 2002 S. Vista Ave Boise, ID 83705 208.342.2999 Office info@sbbgo.com www.sbbgo.com South Landscape Architecture P.C. Dba South Beck & Baird Landscape Architecture P.C.		PROJECT: Driftwood Sub & CUP	SCALE: 1" = 100' SHEET: L0.2

C. Conceptual Building Elevations

Settler's Park
Townhomes - Alley



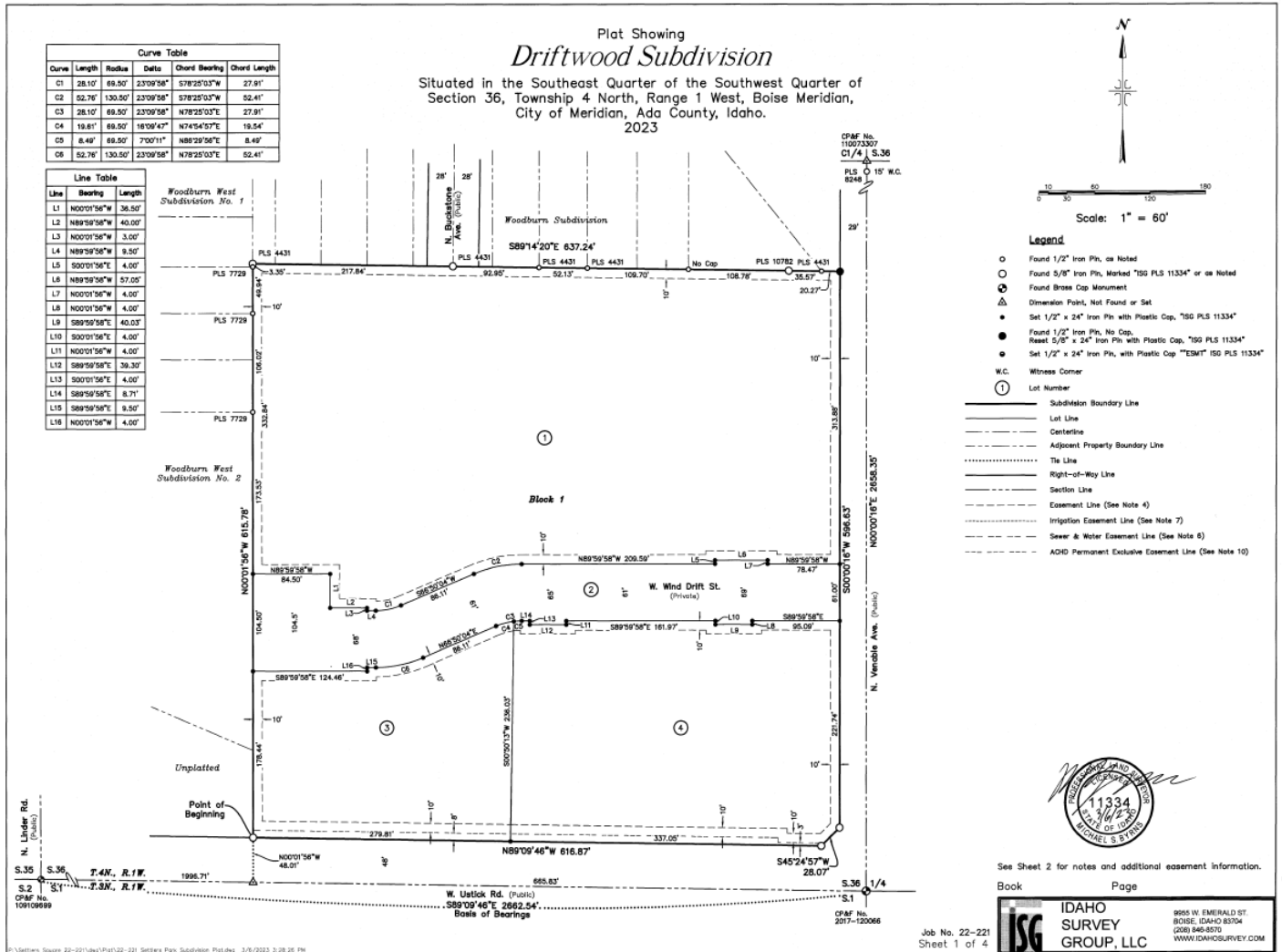
Settler's Park
Townhomes - Front



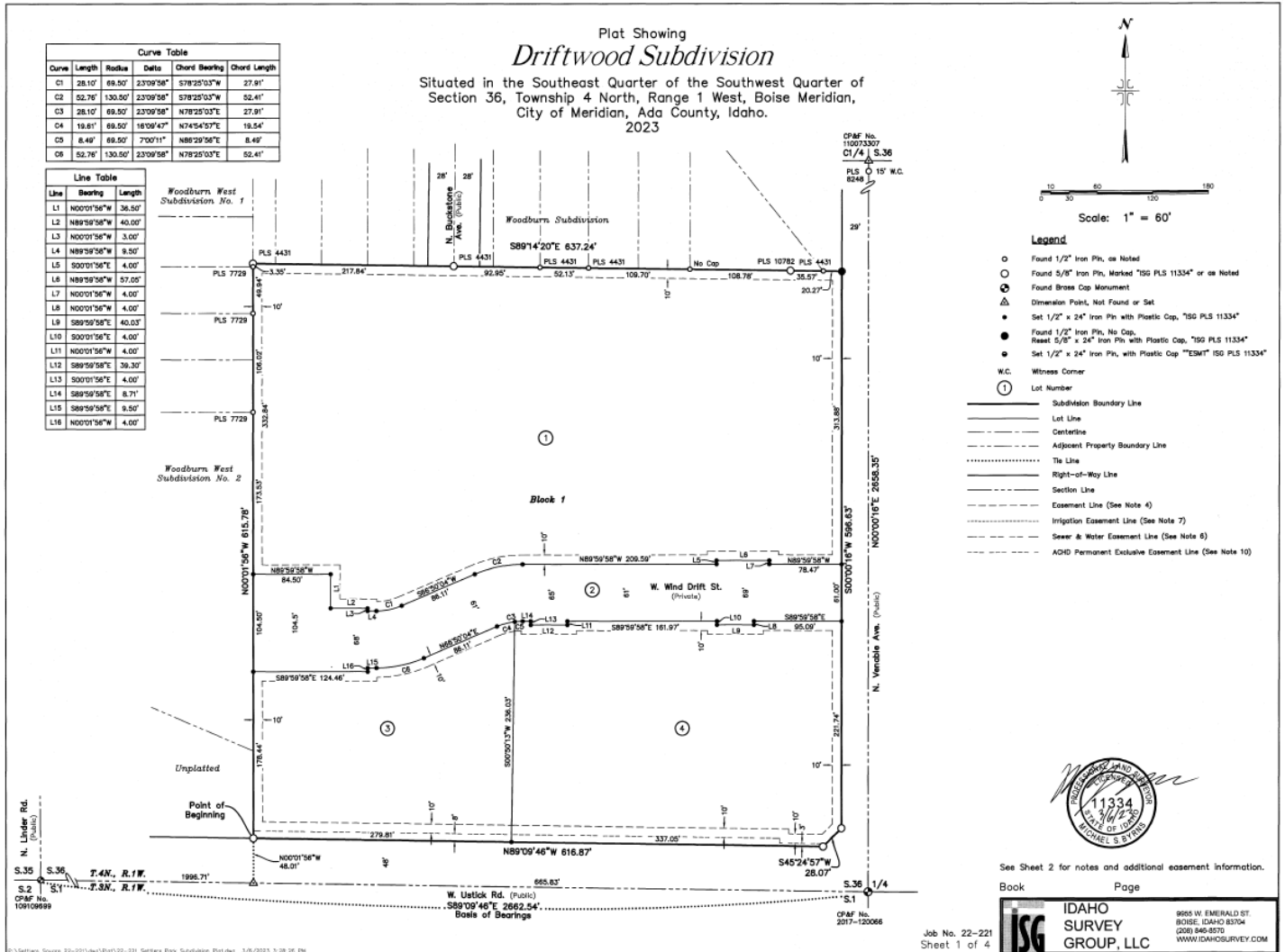
Settler's Park
Clubhouse



D. Preliminary Plat (dated: 3/6/23)



E. Final Plat (dated: 3/6/23)



IX. CITY/AGENCY COMMENTS & CONDITIONS

City Council *strongly* encouraged the Applicant to collaborate with City Staff and ACHD to address concerns discussed at the public hearing pertaining to Venable Ave. and the Ustick/Venable intersection.

A. PLANNING DIVISION

1. Conditional Use Permit

- 1.1 The developer shall comply with all previous conditions of approval for this property [H-2021-0072 (Settler's Square Development Agreement Inst. #[2022-008733](#); [A-2022-0111](#) (site improvements)].
- 1.2 The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC [11-4-3-27](#).
- 1.3 Submit floor plans demonstrating compliance with the minimum private usable open space standard of eighty (80) square feet for each unit in accord with UDC [11-4-3-27B.3](#) with the Certificate of Zoning Compliance application.
- 1.4 The multi-family development shall record a legally binding document that states the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. **A recorded copy of said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.**
- 1.5 Comply with building code requirements for separation between structures within the development. A greater building separation or fire-rated walls may be required. Make any necessary revisions to the plans to comply.
- 1.6 Site amenities shall be provided from each of the following categories: 1) Quality of Life – clubhouse; 2) Open Space – picnic area with picnic table, benches and a shade structure; and 3) Recreation – tot lot with children's play equipment, in accord with UDC [11-4-3-27D](#). *Other comparable amenities may be considered by the Director.*
- 1.7 The trash enclosures shall accommodate recycling.
- 1.8 The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. Depict a minimum 25-foot wide buffer to residential uses along the north and west property boundaries as set forth in UDC [Table 11-2B-3](#) and depict landscaping within the buffer per the standards listed in UDC [11-3B-9C](#). *Buildings shall not encroach within the buffer area.*
 - b. All transformer and utility vaults and other service areas shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC [11-4-3-27B.2](#).
 - c. Depict bicycle racks capable of holding a minimum of eight (8) bicycles based on 194 vehicle parking spaces provided in accord with UDC [11-3C-6G](#); the design of the bicycle racks shall comply with the standards listed in UDC [11-3C-5C](#).
 - d. ~~Depict the extension of the sidewalk along the east/west drive aisle to the west boundary of the site in accord with Park's Dept. requirements in Section IX.F.~~
 - e. Depict the location of the property management office; maintenance storage area; central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access; and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC [11-4-3-27B.7](#).

- f. Depict a minimum 4-foot tall berm or constructed barrier separating the common area where the clubhouse and tot lot are proposed from the collector street (Venable Ave.) with breaks in the berm or barrier to allow for pedestrian access in accord with UDC [11-4-3-27C.7](#), unless otherwise approved with the conditional use permit.
 - g. Depict a minimum of 19,950 square feet (s.f.) (or 0.46-acre) of common open space that complies with the standards listed in UDC [11-4-3-27C.2](#); a minimum of 14,250 s.f. (or 0.33-acre) of that area shall consist of common grassy area in accord with UDC [11-4-3-27C.3](#) commensurate with the size of the development and shall not include the street buffer. *Note: A minimum 5,000 s.f. common grassy area shall be provided in one area; where the remaining area cannot be provided due to site constraints, it may be included elsewhere in the development.*
 - h. Depict landscaping along the foundation of all street facing elevations in accord with the standards listed in UDC [11-4-3-27E.2](#). *For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four (24) inches shall be planted; ground cover plants shall be planted in the remainder of the landscaped area.*
 - ~~i. Depict landscaping along the east/west pathway along the drive aisle in accord with the standards listed in UDC [11-3B-12C](#), which require a mix of trees, shrubs, lawn, and/or other vegetative groundcover within 5 foot wide strips on each side of the pathway.~~
 - j. Depict landscaping within the minimum 20-foot wide street buffer along N. Venable Ave., a collector street, in accord with the standards listed in UDC [11-3B-7C](#).
 - k. Depict fencing on the common area lot along N. Venable Ave. as required by City Council. Consider relocating the tot lot internal to the development away from the street.
- 1.9 Fencing shall comply with the standards listed in UDC [11-3A-7](#).
 - 1.10 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 per UDC [11-4-3-27B.5](#).
 - 1.11 A Certificate of Zoning Compliance and Design Review application shall be submitted and approved for the proposed use prior to submittal of a building permit application. Final design of the site and structures shall comply with the standards listed in UDC [11-3A-19](#) and the design standards listed in the *Architectural Standards Manual*.
 - 1.12 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.

2. Preliminary/Final Plat:

- 2.1 The final plat submitted for City Engineer signature shall include the following revisions:
 - a. Depict a 25-foot wide street buffer along W. Ustick Rd., an arterial street, and a 20-foot wide street buffer along N. Venable Ave., a collector street, in a common lot or a dedicated buffer easement, maintained by the property owner, homeowner's association or business owner's association as set forth in UDC [11-3B-7C.2a](#).
 - b. Depict a cross-access ingress/egress easement on the plat granting access to the abutting property at the southwest property boundary (Parcel #S0436346613); or, submit a separate copy of a recorded agreement to the Planning Division prior to issuance of Certificate of Occupancy

for the western commercial pad site OR when parcel #S0436346613 develops, whichever occurs first, in accord with the development agreement (provision #5.1c).

- ~~e. Depict a 9 foot wide public pedestrian easement for the multi use pathway connection from the sidewalk along Venable Ave. along the east/west drive aisle to the west boundary of the site and include the recorded instrument number of the easement in accord with Park's Dept. requirements in Section IX.F.~~
 - d. Note #4: Remove the street name (i.e. W. Wind Drift St.) as a private street was not approved. If the drive aisle is to be names, a private street application shall be submitted.
 - e. Note #7: Include recorded instrument numbers of the Setter's Irrigation District pressure irrigation easement.
3. The landscape plan submitted with the final plat for City Engineer signature shall include the following revisions:
- a. Include a detail of the tot lot play equipment.
 - b. Depict landscaping within the street buffers along N. Venable Ave. and W. Ustick Rd. in accord with the standards listed in UDC [11-3B-7C](#).
 - c. All landscaping except for street buffers should be removed from the plan or shown in a lighter line type as internal landscaping is not required with the subdivision improvements.
 - d. Depict a (private) pathway through the commercial portion of the development to the southwest boundary of the site for interconnectivity.
4. All irrigation ditches crossing this site shall be piped or otherwise covered as set forth in UDC [11-3A-6B.3](#).
5. ~~A 9 foot wide public pedestrian easement shall be submitted for the multi use pathway along the east/west drive aisle prior to submittal of the final plat for City Engineer signature.~~
6. Approval of a combined preliminary and final 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 combined preliminary and final plat. Upon written request and filing by the applicant prior to the termination of the period, 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 this title.
7. Council strongly recommends the Applicant collaborate with ACHD in regard to the concerns discussed during the public hearing pertaining to improvements to N. Venable Ave. and the W. Ustick Rd./N. Venable Ave. intersection.

B. PUBLIC WORKS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=300677&dbid=0&repo=MeridianCity>

C. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=298132&dbid=0&repo=MeridianCity&cr=1>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=297934&dbid=0&repo=MeridianCity>

E. COMMUNITY DEVELOPMENT DEPARTMENT – SCHOOL IMPACT TABLE

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=297561&dbid=0&repo=MeridianCity>

F. PARK’S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=300739&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=301037&dbid=0&repo=MeridianCity> –
Updated

G. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=297568&dbid=0&repo=MeridianCity>

X. FINDINGS

A. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests 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.

The City Council finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-C zoning district (see Analysis, Section V for more information).

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

The City Council finds that the proposed use is consistent with the future land use map designation of MU-C and is allowed as a conditional use in UDC Table 11-2B-2 in the C-C zoning district.

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.

The City Council finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for and existing in this area and with the intended character of the area and that such uses will not adversely change the character of the area. The proposed multi-family development should provide a good transition in uses between existing single-family homes and the future commercial uses on the southern portion of the site.

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

The City Council finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

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.

The City Council finds that essential public services are available to this property and that the use will be adequately served by these facilities. Police and Fire currently provides service to this property.

B. Combined Preliminary/Final Plat (UDC 11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

The City Council finds the proposed plat is in conformance with the UDC and generally conforms with the Comprehensive Plan.

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

The City Council finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.

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

The City Council finds the proposed plat is in conformance with the City's capital improvement plan.

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

The City Council finds there is public financial capability of supporting services for the proposed development.

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

The City Council finds the proposed development will not be detrimental to the public health, safety or general welfare.

6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

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