

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



In the Matter of the Request for a Short plat to subdivide an existing commercial lot (R5652350045) into two (2) building lots on approximately 1.38 acres of land in the C-G zoning district, by Antonio Conti, Ackerman-Estvold.

Case No(s). SHP-2023-0005

For the City Council Hearing Date of: January 9, 2024 (Findings on January 23, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of January 9, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 9, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 9, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 9, 2024, 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 January 9, 2024, 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 Short Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of January 9, 2024, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Short 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).

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 January 9, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL VICE PRESIDENT JOE BORTON VOTED _____

COUNCIL MEMBER LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANN LITTLE ROBERTS VOTED _____

COUNCIL MEMBER LUKE CAVENER 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



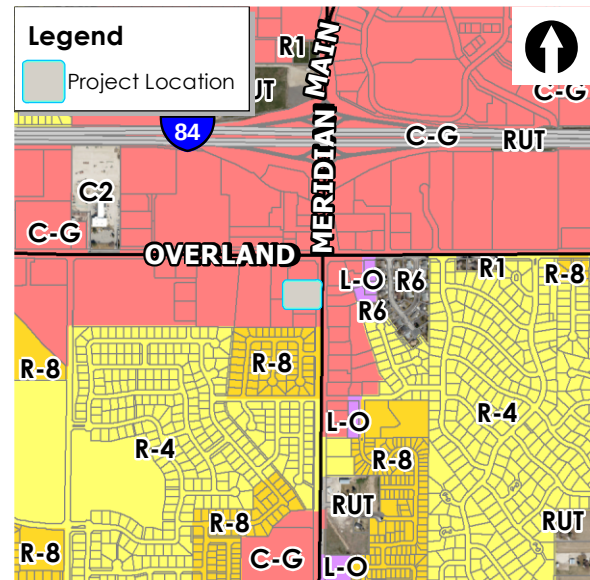
HEARING DATE: 1/9/2024

TO: Mayor & City Council

FROM: Linda Ritter, Associate Planner
208-884-5533

SUBJECT: SHP-2023-0005
Hesperus Subdivision

LOCATION: 1737 S Meridian Rd., in the SEC of
Section 24, T.3N., R.1W.



I. PROJECT DESCRIPTION

Short plat to subdivide Lot 4, Block 1, Medina Subdivision, consisting of 1.38 acres of land, into two (2) building lots in the C-G zoning district.

II. APPLICANT INFORMATION

- A. Applicant: Antonio Conti, Ackerman-Estvold – 7661 W Riverside Dre, Ste 102, Garden City, ID 83714
- B. Owner: Spencer Smith, Smith Frazier LLC – 50 Henry Street, Cortez, CO 81321
- C. Representative: Same as Applicant

III. NOTICING

	City Council Posting Date
Legal notice published in newspaper	12/24/2023
Radius notice mailed to property owners within 500 feet	12/15/2023
Posted to Next Door	12/11/2023

IV. STAFF ANALYSIS

The short plat proposes to subdivide Lot 4, Block 1, Medina Subdivision, consisting of 1.38 acres of land, into two (2) building lots in the C-G zoning district. The Short Plat is consistent with the Commercial Future Land Use Map designation for this site.

The property is currently under construction for the installation of the approved Conditional use Permit and certificate of zoning compliance and design review for a Chipotle restaurant and a two-tenant building with the first tenant as a medical doctor's office.

Staff has reviewed the proposed short plat for compliance with the criteria set forth in UDC [11-6B-5](#) and deems the short plat in compliance with said requirements.

Access to this property is provided via an existing access point from S. Meridian Rd and W. Overland Rd. The Fire Department has approved the design of the proposed drive aisles for the short plat. The street buffer adjacent to the eastern boundary of the site along S. Meridian Rd. was constructed with the subdivision improvements for Medina Subdivision. There is existing landscaping (i.e. trees and lawn) along the street frontage that complies with the standards listed in UDC [11-3B-7](#).

Future development of the proposed lots should comply with the dimensional standards listed in UDC [Table 11-2B-3](#) for the C-G zoning district.

V. DECISION

A. Staff:

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

B. The Meridian City Council heard these items on January 9, 2024. At the public hearing, the Council moved to approve the subject Short Plat request.

1. Summary of the City Council public hearing:

- a. In favor: Antonio Conti, Applicant
- b. In opposition: None
- c. Commenting: Antonio Conti
- d. Written testimony: None
- e. Staff presenting application: Linda Ritter, Associate Planner
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Access within the development to the other businesses.

VI. EXHIBITS

A. Short Plat (date: 12/1/23)

**PLAT FOR
HESPERUS LANDING SUBDIVISION**

A PORTION OF THE SOUTHEAST 1/4 OF THE
NORTH-EAST 1/4 OF SECTION 24, T.3N., R.1W., BOISE
MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO.

2023 SHEET 1 OF 2

REFERENCES

R1 MEDIA SUBDIVISION BY TOL PAGES 1006-1008
R2 FOR LOTS

LEGEND:

LOT SET BEARING WITH PLATTS COMPRISED LA 1000: SUBDIVISION BOUNDARY LINE
▲ RECORD MEASUREMENT AS NOTED LOT LINE
A.C.B. BOUNDARY OF MERIDIAN BOUNDARY LINE
M MARKED DISTANCE ADJUTMENT LINE
C.M.P. CORNER INFORMATION AND PLATTS REQUIRED WEST LINE

NOTES:

1. BASES OF BOUNDARY NORTH LINE OF PARCEL 1 FOR LA 1000 BEING IMPROVED AS PER PLATTS.
2. THE SUBDIVISION IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS THAT ARE FILED FOR MEDIA SUBDIVISION.
3. ALL LOTS ARE HEREBY DESIGNATED AS PERMANENT PUBLIC UTILITY CORRIDORS, AND PROVISIONS FOR THE CONSTRUCTION OF PUBLIC UTILITY CORRIDORS ARE MADE ON THIS PLAT.
4. THE SUBDIVISION IS SUBJECT TO THE CITY OF MERIDIAN'S ZONING ORDINANCES, AND THE CITY OF MERIDIAN'S ZONING ORDINANCES SHALL BE APPLIED TO THE SUBDIVISION.
5. THE SUBDIVISION IS SUBJECT TO THE CITY OF MERIDIAN'S ZONING ORDINANCES, AND THE CITY OF MERIDIAN'S ZONING ORDINANCES SHALL BE APPLIED TO THE SUBDIVISION.
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20. THE SUBDIVISION IS SUBJECT TO THE CITY OF MERIDIAN'S ZONING ORDINANCES, AND THE CITY OF MERIDIAN'S ZONING ORDINANCES SHALL BE APPLIED TO THE SUBDIVISION.

SURVEYOR'S NARRATIVE

THE SURVEY OF THIS SUBDIVISION WAS CONDUCTED BY THE SURVEYOR, AND THE SURVEYOR HAS DETERMINED THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE CITY OF MERIDIAN'S ZONING ORDINANCES, AND THE CITY OF MERIDIAN'S ZONING ORDINANCES SHALL BE APPLIED TO THE SUBDIVISION.

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**PLAT FOR
HESPERUS LANDING SUBDIVISION**

2023 SHEET 2 OF 2

CERTIFICATE OF OWNERS

I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF MERIDIAN, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE PLAT AND THAT IT IS IN ACCORDANCE WITH THE CITY OF MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING PARCEL 1 AS SHOWN ON RECORD OF SURVEY NO. 10273, INSTRUMENT NO. 2023-00944 ADA COUNTY RECORDS. IN THE 1/4 SECTION 24, T. 3N., R. 1W., BOISE-MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 1, THENCE S 89°12'W A DISTANCE OF 34.15 FEET, THENCE S 89°12'W A DISTANCE OF 188.81 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1, THENCE ON THE SOUTH LINE OF SAID PARCEL 1 S 89°12'W A DISTANCE OF 366.8 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1, THENCE ON THE WEST LINE OF SAID PARCEL 1 N 89°12'W A DISTANCE OF 20.18 FEET TO THE WEST LINE OF SAID PARCEL 1, THENCE ON THE NORTH LINE OF SAID PARCEL 1 S 89°12'W A DISTANCE OF 30.41 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 1.376 ACRES, MORE OR LESS.

ALL LOTS IN THIS SUBDIVISION WILL BE ELIGIBLE TO RECEIVE DOMESTIC WATER SERVICE FROM THE CITY OF MERIDIAN, IDAHO, AND SAID CITY HAS AGREED IN WRITING TO SERVE ALL LOTS WITHIN THIS SUBDIVISION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THIS DAY OF _____, 2023.

BY: _____
SPENCER SMITH, MANAGER, SMITH FRAZIER, LLC DATE _____

ACKNOWLEDGEMENT

STATE OF _____, I.B.L.
COUNTY OF _____

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, PERSONALLY APPEARED SPENCER SMITH, KNOWN AND IDENTIFIED TO ME TO BE THE MANAGER OF SMITH FRAZIER, LLC, THE CORPORATION THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED SUCH INSTRUMENT FOR AND ON BEHALF OF SAID TRUST AND THAT SAID TRUST EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THIS DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC FOR _____
RESIDING IN _____

CERTIFICATE OF SURVEYOR

I, ANTHONY M. CONTI, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" IS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

ANTHONY M. CONTI, P.L.S. 18300 DATE _____

APPROVAL OF CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF MERIDIAN, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE PLAT AND THAT IT IS IN ACCORDANCE WITH THE CITY OF MERIDIAN, ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Meridian City Engineer _____ Date _____

APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED, CITY CLERK, IN AND FOR THE CITY OF MERIDIAN, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD THIS _____ DAY OF _____, 2023, THIS PLAT WAS ACCEPTED AND APPROVED.

Meridian City Clerk _____ Date _____

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE _____ DAY OF _____, 2023.

PRESIDENT ADIC _____

HEALTH CERTIFICATE

Sanitary Regulations as Required by Idaho Code, Title 50, Chapter 13 have been Sanitized According to the Letter to be used on the County Recorder or Health Agent Laying the Conditions of Approval.

Sanitary Regulations may be Relaxed, in Accordance with Section 50-1326, Idaho Code, by the Issuance of a Certificate of Disapproval.

Health Officer _____ Date _____

CERTIFICATE OF COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-306 DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

COUNTY TREASURER _____ DATE _____

CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

COUNTY SURVEYOR _____ DATE _____

CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO)
COUNTY OF ADA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF ACKERMAN-ESTD 1900 AT _____ MINUTES P.M., THIS _____ DAY OF _____, 2023, IN BOOK _____ OF PLATS AT PAGE _____.

INSTRUMENT NO. _____

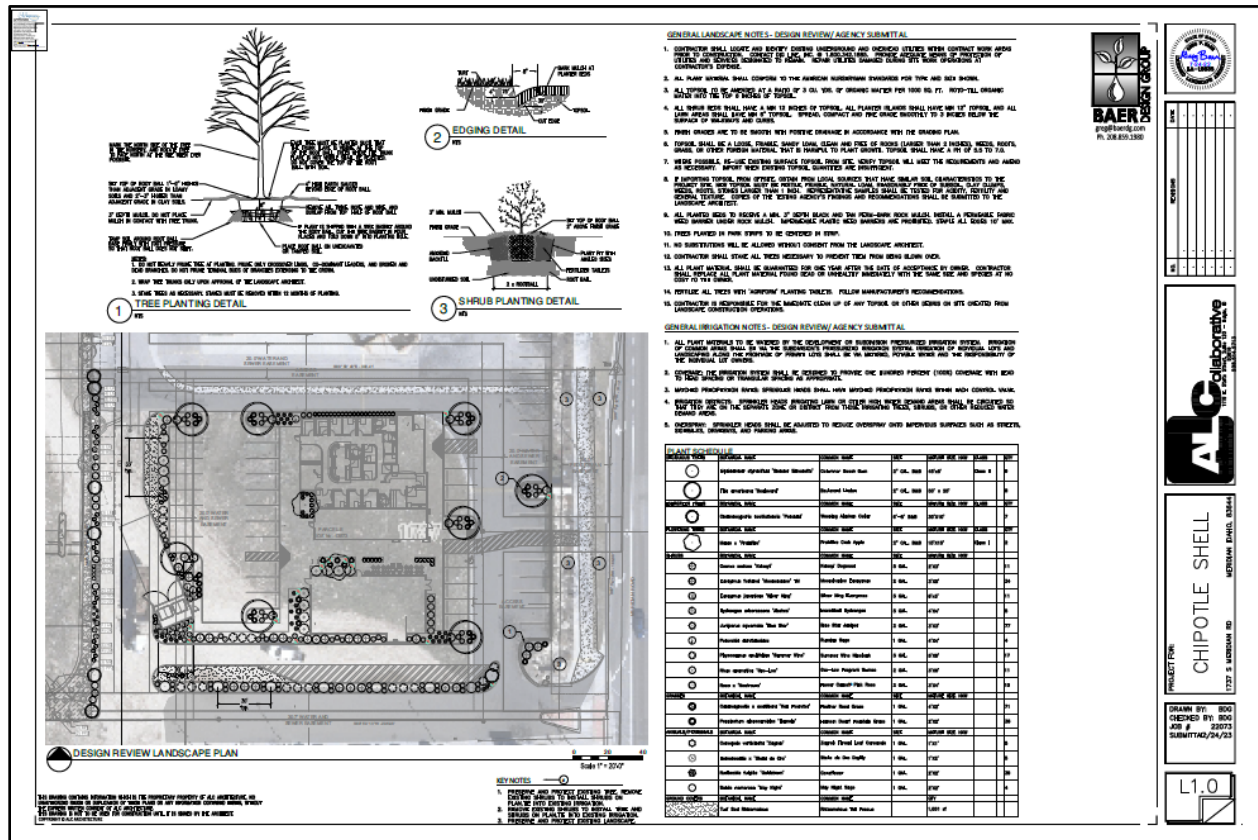
CERTIFY RECORDER _____ EX-OFFICIO RECORDER _____

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B. Landscape Plan (dated: 2/24/23)



[illegible]

A. Planning Division

1. The Applicant shall comply with all previous conditions of approval associated with this development: AZ-04-031 (Ord. #05-1179, DA Inst. #105134293) Meridian Gateway; VAR-05-027 (access to SH-69/Meridian Rd.); MI-07-002 1st Addendum to DA (Inst. #107099630 Medina Subdivision); MDA-13-007 2nd Addendum to DA (Inst. #2014-095963 Medina Subdivision) PBA-2022-0017, H-2022-0094, A-2023-0060 and A-2023-0061 as applicable.

- Page 5

4. Future development shall comply with the dimensional standards listed in UDC [Table 11-2B-3](#) for the C-G zoning district.
5. Staff's failure to cite specific ordinance provisions or conditions from the previous approvals noted above does not relieve the Applicant of responsibility for compliance.

B. Public Works

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313574&dbid=0&repo=MeridianCity>

C. Fire Department

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=295088&dbid=0&repo=MeridianCity>

D. Idaho Transportation Department

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313606&dbid=0&repo=MeridianCity>

E. Idaho Department of Environmental Quality (IDEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313606&dbid=0&repo=MeridianCity>

F. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=313606&dbid=0&repo=MeridianCity>

VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE

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

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

The Comprehensive Plan designates the future land use of this property as Commercial the current zoning district of the site is C-G. Staff finds the proposed short plat complies with the short plat standards listed in UDC [11-6B-5](#). Future development should comply with the dimensional standards for the C-G zoning district listed in UDC [Table 11-2B-3](#).

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

Staff finds that public services is provided and are adequate to serve the proposed lots.

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

Staff finds all required utilities are provided with lot development at the developer's expense.

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

Staff finds that the development will not require major expenditures for providing supporting services as services are already being provided in this area.

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

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

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

Staff is not aware of any significant natural, scenic or historic features associated with short platting the structure on this site.