

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



In the Matter of the Request for Annexation and Preliminary Plat for Poiema Subdivision, by Dave Evans Construction.

Case No(s). H-2020-0035

For the City Council Hearing Date of: August 11, 2020 (Findings on August 25, 2020)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of August 11, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of August 11, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of August 11, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of August 11, 2020, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of August 11, 2020, incorporated by reference. The conditions are concluded to be

reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for Annexation and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of August 11, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-6B-7.A, the Director may authorize a single extension of time to obtain the City Engineer's signature on the final plat not to exceed two (2) years. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of Meridian City Code Title 11. If the above timetable is not met and the applicant does not receive a time extension, the property shall be required to go through the platting procedure again (UDC 11-6B-7C).

Notice of Conditional Use Permit Duration

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

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian

City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

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

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

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

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

1. The Applicant is hereby notified that pursuant to Idaho Code 67-8003, denial of a development application entitles the Owner to request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.
2. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of August 11, 2020

By action of the City Council at its regular meeting held on the 25th day of August, 2020.

COUNCIL PRESIDENT TREG BERNT

VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN

VOTED AYE

COUNCIL MEMBER JESSICA PERREAULT

VOTED AYE

COUNCIL MEMBER LUKE CAVENER

VOTED AYE

COUNCIL MEMBER JOE BORTON

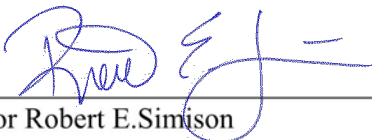
VOTED AYE

COUNCIL MEMBER LIZ STRADER

VOTED AYE

MAYOR ROBERT SIMISON
(TIE BREAKER)

VOTED _____



Mayor Robert E. Simison

Attest:



Chris Johnson
City Clerk



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

By:  Dated: 8-25-2020
City Clerk's Office

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



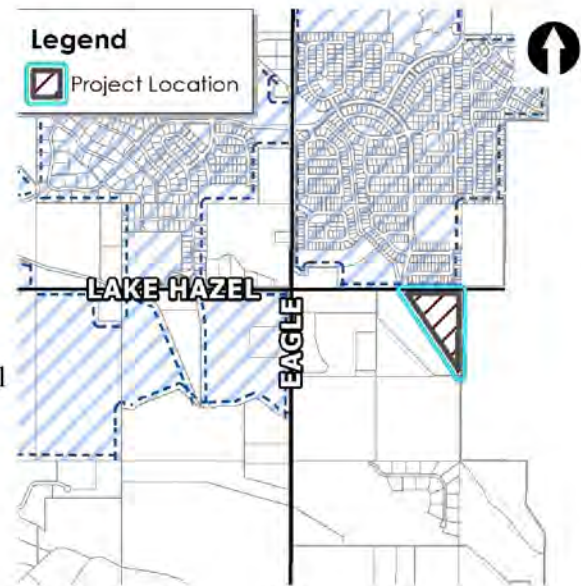
HEARING DATE: 8/11/2020

TO: Mayor & City Council

FROM: Joe Dodson, Associate Planner
208-884-5533

SUBJECT: H-2020-0035
Poiema Subdivision

LOCATION: The site is located at 3727 E. Lake Hazel Road, in the NE ¼ of the NW ¼ of Section 4, Township 2N., Range 1E.



I. PROJECT DESCRIPTION

Annexation & zoning of 14.87 acres of land with an R-15 zoning district and preliminary plat consisting of 48 building lots and 6 common lots, by Dave Evans Construction.

Note: Staff received updated plans late into the review process. These plans have been analyzed to the best of Staff's ability given the timeline but finds them to be in better compliance than those originally submitted. Much of the analysis within this report is based on the new plans and the exhibits within this staff report have been updated to reflect this.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	14.87 acres	
Future Land Use Designation	Medium-High Density Residential	
Existing Land Use(s)	Vacant	
Proposed Land Use(s)	Residential and future Religious Institution (Church)	
Lots (# and type; bldg./common)	48 total lots – 43 single-family residential; 1 lot for future Church building site; and 4 common lots.	
Phasing Plan (# of phases)	Proposed as one (1) phase.	
Number of Residential Units (type of units)	48 total units - 33 single-family attached units; and 15 single-family townhome units.	
Density (gross & net)	Gross – 7.5 du/ac.; Net – 10.75 du/ac.	
Open Space (acres, total [%]/buffer/qualified)	1.08 acres total, 0.75 qualifying open space (or approx.. 11.7% qualified)	
Amenities	1 amenity – Water feature with seating	

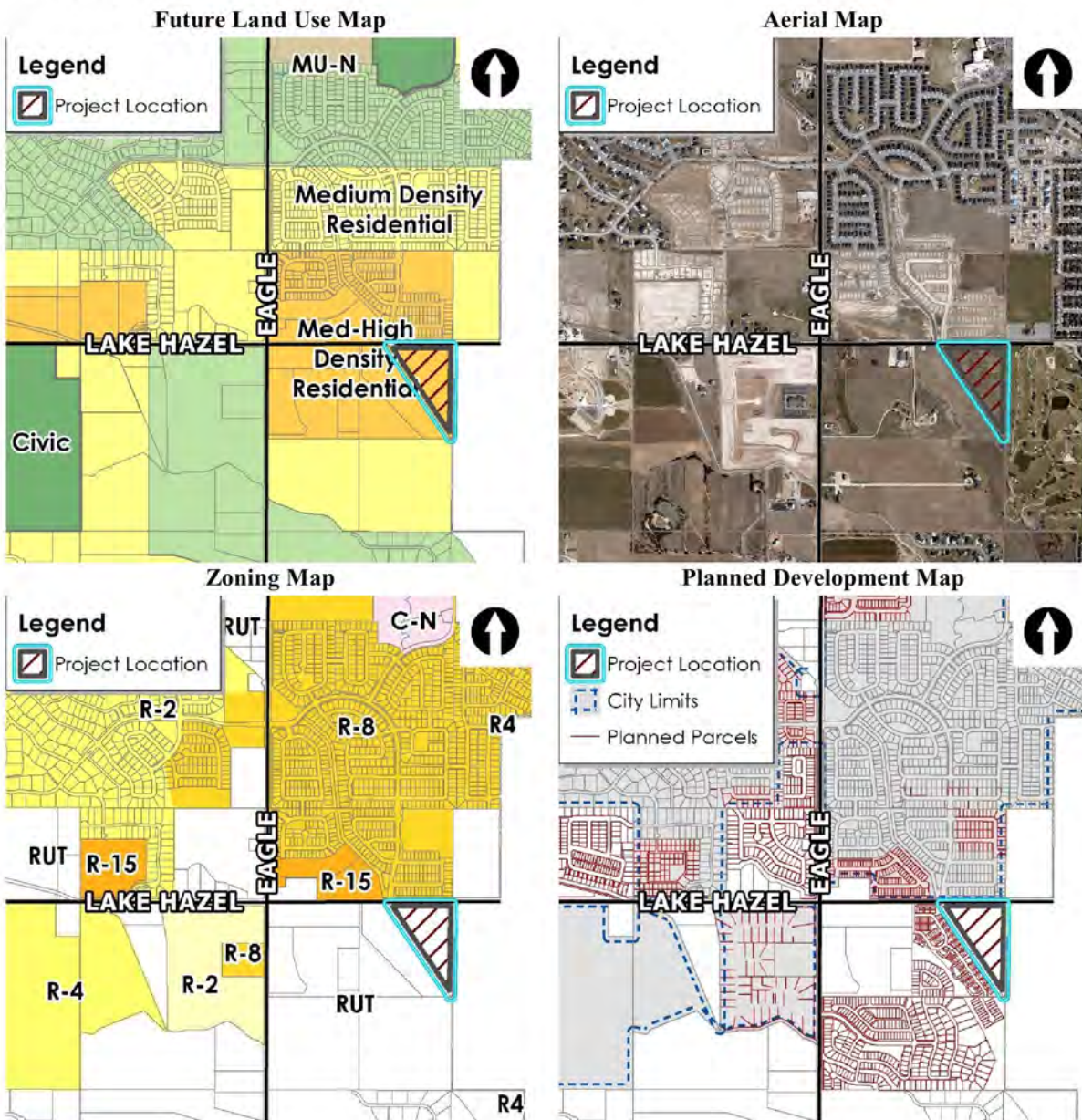
Description	Details	Page
Physical Features (waterways, hazards, flood plain, hillside)	Ten Mile Creek runs along the western boundary but is not on the subject site. Part of the site resides within the 100-year floodplain zone.	
Neighborhood meeting date; # of attendees:	December 16, 2019 – 3 attendees	
History (previous approvals)	N/A	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Draft Report	Section VIII.H
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Proposed access is off of E. Lake Hazel Road, an arterial. The proposed access is via a new public local street. ACHD is allowing a modification to their district policies to allow this access as there is no other lesser classified street available.	
Stub Street/Interconnectivity/Cross Access	A new stub street is proposed to the adjacent property to the west from the proposed local street noted above. This access is approved by ACHD as noted in their staff report.	
Existing Road Network	E. Lake Hazel, an arterial, is existing with 2 travel lanes.	
Existing Arterial Sidewalks / Buffers	No	
Proposed Road Improvements	Applicant is not proposing to improve E. Lake Hazel as it is scheduled to be widened to 5 travel lanes by ACHD in 2024.	
Fire Service		
• Distance to Fire Station	3 miles from Fire Station #4	
• Fire Response Time	Part of the proposed development falls within the 5 minute response time goal.	
• Resource Reliability	78% (below the target rating of 80%)	
• Risk Identification	Risk Factor 2 – Residential with hazards; current resources would not be adequate to supply service to this project due to nearby waterway if an emergency were to occur.	
• Accessibility	Proposed project meets all required access, road widths, and turnarounds. The project will be limited to 30 homes until the entire emergency access along the western boundary is constructed.	
Police Service		
• Distance to Police Station	5.5 miles	
• Response Time	Goal of 3-5 minutes	
• Accessibility	MPD has no concerns with access into this development; the MPD can service this development if approved.	
• Additional Comments	There is no call data in this area because the proposed development is at the edge of City Limits. Between March 2019 and March 2020, MPD responded to 7 calls for service within one mile of this proposed development. The crime count on those calls was one (1).	

Description	Details	Page
	Between March 2019 and March 2020, MPD responded to 9 crashes within 1 miles of this proposed development.	
West Ada School District		
• Distance (elem, ms, hs)	No comments submitted at this time.	
• Capacity of Schools		
• # of Students Enrolled		
Wastewater		
• Distance to Sewer Services	N/A	
• Sewer Shed	South Black Cat Trunk Shed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	13.92	
• Project Consistent with WW Master Plan/Facility Plan	YES	
• Additional Comments	Flows have been committed No sewer mains in common driveways Applicant to provide "to and through" to property to the west.	
Water		
• Distance to Water Services	710 feet	
• Pressure Zone	5	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	None	
• Project Consistent with Water Master Plan	YES	
• Impacts/Concerns	The water main extension in Lake Hazel is currently shown in the wrong corridor, the water main should remain north of center line instead of being moved south of center line. Also, the water main in Lake Hazel needs to be a 12", not an 8" as currently shown. We prefer to have a main stub or service line (whichever is needed) to the future church lot to eliminate cutting the new road in the future.	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Dave Evans Construction – 7761 W. Riverside Drive, Boise, ID 83705

B. Owner:

Calvary Chapel Treasure Valley, Inc. – 9226 W. Barnes Drive, Boise, ID 83705

C. Representative:

The Land Group – 462 E. Shore Drive, #100, Eagle, ID 83616

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/29/2020	7/24/2020
Radius notification mailed to properties within 300 feet	5/26/2020	7/21/2020
Site Posting	6/8/2020	7/31/2020
Nextdoor posting	5/27/2020	7/21/2020

V. STAFF ANALYSIS

A. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

Medium-High Density Residential – This designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from eight to twelve dwelling units per acre. These areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity.

The proposed annexation area lies at the edge of the City's area of impact on the south side of E. Lake Hazel road, approximately ½ mile east of Eagle Road. There is existing City of Meridian zoning directly across Lake Hazel to the north but no other existing Meridian zoning is adjacent to the subject site. There is a golf course directly to the east of this property, within the City of Boise. Despite minimal existing zoning directly to the west and southwest of this site, the City is currently processing multiple projects in this area, as seen in the Planned Development Map above. This project, if approved, should blend in well with these adjacent developments.

The proposed land use of attached single-family residential and townhome units (per the revised site plan) is consistent with the Future Land Use Map (FLUM) designation definitions for Medium High Density Residential (MHDR). MHDR requires a density of 8-12 units per acre. The Applicant has proposed a project with 7.5 du/ac with their updated plat and the comprehensive plan allows for rounding of density. Because of the proposed product type and the difficult shape of the property to begin with, Staff supports rounding the proposed density of 7.5 du/ac to the required 8 du/ac per the provisions in the comprehensive plan.

In addition to the proposed residential use on this site, the Applicant is reserving a building lot for a future church site; a church is a conditional use within the proposed R-15 zoning district. The residential portion of the site consists of approximately 7.5 acres (including the right of way) and the future church lot is approximately 7 acres. This application does not include the conditional use permit application for the church lot; that use will be analyzed with the future conditional use permit submittal.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, Staff recommends a DA as a provision of annexation with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council and subsequent recordation.

B. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

The applicable Comprehensive Plan policies are cited below with Staff analysis in italics.

“Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City” (2.01.01G). *The proposed R-15 zoning and proposed land use of single-family attached and townhome residential is an extension of some of the housing products recently approved nearby and some of the housing proposed on the adjacent site to the west. R-15 zoning and attached single-family homes are not abundant in the immediate area at this time but if this project and the adjacent project to the west are approved, this type of housing would make up a fair portion of the housing options in this ½ mile area. A vast majority of the housing within a mile of this site is detached single-family residential. So, adding 48 units of a different product type to the area helps meet this comprehensive plan policy.*

“With new subdivision plats, require the design and construction of pathways connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities” (2.02.01A). *The Ten Mile Creek runs adjacent to this property on its western boundary but is not on the subject site. Because of this, there is no multi-use pathway proposed on this property. However, the project that Staff is also processing for the adjacent property to the west is constructing that multi-use pathway. Because of the proposed internal stub street with attached sidewalks with this development, there should be adequate pedestrian connection to the multi-use pathway on the adjacent parcel. With a connection to the pathway, residents within this development will have greater pedestrian and bicyclist connection to the north to Hillsdale Park and the Hillsdale YMCA.*

The largest area of open space proposed with this development is expected to be shared between the residences and the future church site. That common open space lot is proposed to be approximately 15,000 square feet in size and offer a relatively large open area for residents and churchgoers to use. Because the lot is relatively large and open, it is more usable than open space that may be qualifying but is usually dispersed throughout the development. Staff supports open space that is in this more usable format. The other open space in this development abuts the Ten Mile Creek and the proposed townhomes; this area should offer additional visual amenity to the development and those townhomes specifically. In addition, this open space area near the creek and the cul-de-sac will contain a water feature and seating area for the residents. Again, offering usable open space and an amenity for the proposed community. For the size of this site, Staff finds the proposed open space is adequate in size.

“Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity” (6.01.02B). *Due to the odd shape of this parcel, strict adherence to ACHD and City policies regarding access points to arterial streets was not feasible. The Applicant has proposed the main access into this development as far east on their parcel as possible. Because of this, ACHD has agreed to modify their policy to allow for this additional access onto E. Lake Hazel. This Applicant is also proposing a stub street to the west for future local street connectivity which sets up future development to the west and south to minimize their potential accesses onto arterial in the area.*

“Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to the City's vision and the necessary extension of public services and infrastructure is provided.” (3.03.03). *The proposed development and uses adhere to the vision established by the underlying future land use designation. Attached single-family and townhomes are permitted uses and a Church is a conditional use in the R-15 zoning district. In addition, all infrastructure extensions will be paid for by the Applicant and not the taxpayers.*

“Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00). *The proposed single-family residential development is compatible with other residential and agricultural uses in the area; the future Church development should be compatible with nearby uses as well. In addition, additional residential units built at this density should be compatible with the existing golf course use on the parcel directly to the east.*

Staff finds this development to be generally consistent with Comprehensive Plan policies and objectives.

C. Existing Structures/Site Improvements:

There are no existing structures on the subject site and no site improvements are known at this time.

D. Proposed Use Analysis:

The proposed use is attached single-family residential and townhome single-family residential; both types of residential dwellings are listed as principally permitted uses in the R-15 zoning district per UDC Table 11-2A-2.

Part of the property (along the western boundary) lies within the 100-year floodplain boundary. The Applicant is currently awaiting the results of a floodplain study to determine the types of constraints and/or possibilities of reducing this boundary area. See Public Works comments for further requirements of the site.

E. Dimensional Standards (*UDC 11-2*):

The proposed lots along the eastern boundary and the public streets appear to meet all UDC dimensional standards per the submitted preliminary plat. This includes property sizes, required street frontages, and road widths. The revised preliminary plat submitted by the Applicant shows townhomes off of a private alley. It is the understanding of Staff that ACHD has not yet given comments on the precise location of this alley but are generally supportive of it. Per the revised plat, all lots appear to meet UDC dimensional standards for the R-15 zoning district and attached single-family unit type.

In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). There is one (1) common driveway proposed and such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. **If any common drives are proposed, an exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway.**

F. Access (*UDC 11-3A-3*):

Access is proposed via a new local street into this development from E. Lake Hazel Road. The Applicant is also proposing a stub street to the west for future local street connectivity. For these areas, all dimensional standards appear to meet UDC requirements.

Because the stub street to the west will likely lead to nowhere at the time of this development, the Applicant will have to provide an emergency only access. The Applicant is showing on their master plan (as shown in Exhibit VII.B) a 20-foot wide emergency only access from the stub street that runs along the western property boundary and connects to E. Lake Hazel. ACHD and Meridian Fire Department have granted their approval of this emergency access. Without this

access, this property will be limited to no more than 30 homes until such time that the emergency access is constructed. To remediate this, Staff is recommending the emergency access is built prior to the Applicant receiving any building permit approval.

Staff is supportive of this emergency access but does have concerns on what its future use will be once the stub street to the west connects with the adjacent subdivision and offers the required secondary access. The Applicant has not discussed the future plans for this access with Staff but the submitted master plan depicts the church site using this emergency only access as a way to drive from one side of the church to the other for ease of access and emergency response. So long as this road is not used for parking while this road is meant for emergency access, Staff finds no concerns with this. Once the emergency access is not needed, however, Staff recommends the Applicant work with ACHD to keep the road for the church site to gain an additional access point, albeit limited.

The revised preliminary plat shows a private alley that connects to the future western stub street and the proposed cul-de-sac. As stated above, Staff is unaware of ACHD's formal approval of this location but has also not been given notice of its denial. The Applicant should continue working with ACHD to ensure the location of the alley meets all ACHD requirements. The proposed alleyway is shown as 20 feet wide which meets UDC and Fire requirements; the alleyway will be deemed as a no parking zone for its entirety. Staff supports this alleyway and the alley loaded type of home for this development.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6](#) for single-family detached and attached dwellings based on the number of bedrooms per unit. Future development should comply with these standards. No parking plan was submitted with the application.

The proposed street sections (33-feet wide) of the local streets within the development, shown on the submitted plat, accommodate parking on both sides of the street where no driveways exist. The alleyway for the alley-loaded homes will be required to be labeled as "No Parking." Each townhome will be required to meet the off-street parking standards and Staff encourages the developer of this site to include provisions within their HOA bylaws that prohibit garages being used as storage. This would help alleviate some of the parking issues seen throughout the City. Parking requirements for the future church site will be reviewed with the future conditional use permit application.

H. Pathways (UDC [11-3A-8](#)):

No multi-use pathways are proposed or required with this development because the master pathways plan shows a multi-use pathway along the opposite side of the Ten Mile Creek on an adjacent parcel. This Applicant is proposing attached sidewalks along all local streets that will connect to this future multi-use pathway as the property to the west develops and the proposed stub street is extended westward. These sidewalks should help improve pedestrian and cyclist connectivity from this development to other services within a mile.

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

Five-foot attached sidewalks are proposed along all internal local streets. There is no existing sidewalk along E. Lake Hazel Road and Lake Hazel is expected to be widened in 2024 according to ACHD, as stated above. Detached sidewalks are required along arterial roadways per UDC [11-3A-17](#). The Applicant has already agreed to dedicate additional right of way to ACHD for the future widening of Lake Hazel. Therefore, Staff is recommending that the Applicant construct at

least a 5-foot detached sidewalk within the required landscape buffer along Lake Hazel, outside of the ultimate ACHD right of way.

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

A 35-foot wide street buffer is required adjacent to E. Lake Hazel Road because it is both an arterial roadway and noted as an entryway corridor. This buffer should be landscaped per the standards listed in UDC 11-3B-7C and placed into a common lot that is at least 35-feet wide; this common lot should also contain the detached sidewalk required along all arterial roadways. *The submitted landscape plan depicts a 25-foot wide landscape buffer; the correct number of trees appear to be shown on the submitted landscape plans (see Section VII.D). The Applicant shall be required to submit revised plans depicting the correct size landscape buffer along E. Lake Hazel. In addition, the improvements required outside of the ultimate ROW should be constructed prior to receiving building permit approvals. The submitted open space exhibit does not count this buffer area as qualified open space for the residential development because only a small portion of this buffer abuts the future residences. Normally, half of this area would count towards qualified open space. Staff believes the required landscape buffer and detached sidewalk should be constructed with the residential development and not the church site. Therefore, Staff is recommending a condition of approval to complete the frontage improvements prior to receiving building permit approval and revise the open space exhibit to show this area on the open space exhibit to give a more complete open space calculation.*

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E. *The total square footage of common open space are included in the Landscape Calculations/Requirements table along with the required number of trees to demonstrate compliance with UDC standards but has not been updated to depict the new layout. Staff recommends the Applicant submit a revised landscape plan at least ten (10) days prior to the City Council hearing to show the new layout and match the other revised plans.*

Also shown on the landscape plan is an area directly to the west of Lot 34, Block 1 that is within the Ten Mile Creek easement. This area of the development is not open on both ends and does not offer easy visibility. Staff is concerned with potential safety and crime issues in this small area. UDC 11-3G-3D.3 states that "common open space shall be located in areas of high visibility to avoid hidden areas and corners..." This area is not qualifying open space because it is not open on both ends but it is still common open space and must adhere to these standards. Therefore, Staff is recommending a condition of approval that this area be part of Lot 34, Block 1 to alleviate this potential safety issue. In addition, the Applicant is proposing an additional 8 trees in order to mitigate trees that are being lost with the development of this site. This note is stated on the submitted landscape plan.

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

A minimum of 10% **qualified** open space meeting the standards listed in UDC 11-3G-3B is required. The proposed future Church site is not required to meet open space standards. Therefore, the required qualified open space for this development shall be based upon only the portion of the property where the residential use is proposed. According to the Applicant, the residential area is approximately 6.05 acres. Based on this size, the Applicant should supply at least 0.6 acres of qualified open space, or approximately 26,000 square feet. The applicant is proposing 1.08 acres of open space, of which 0.75 acres is proposed as qualifying open space. Staff has concerns with one area of this open space and its eligibility to qualify.

The largest common open space lot is approximately 15,000 square feet and sits between the proposed residences and the future church site. It is the intention of the Applicant that this open space lot would serve as open space for both the residential part of this development and for the

children attending the future church site. Again, the church site is not required to have open space but Staff understands the desire to share this space in the future. To ensure this open space lot stays with the residential development and is used by the residences, it should be made clear that the future homeowners association is to own and maintain this lot, and not the church owner. In addition to this common open space lot, the Applicant is proposing open space around the cul-de-sac that terminates at the southern end of the development. This area is proposed to contain a water feature and seating area for residents to enjoy. Part of this open space also runs within the Ten Mile Creek Easement and creates a small "green-way" from the western stub street and back into this water feature area; this proposed area is qualifying.

The Ten Mile Creek and this "green-way" can be utilized for both open space and offer a great green space for the proposed townhomes to front on. Staff is concerned the proposed townhomes from off of the alley and the Applicant is missing an opportunity to give those future homeowners along the creek an additional green space area. Because of this, Staff is recommending a condition of approval that the townhomes front towards the green space and not on the alley.

On the revised open space exhibit (Section VII.E) there is an area less than 5,000 square feet located between the alley and the local street. UDC requirements state that in order for this area to be qualifying it must be at least 50' by 100' in dimension. Staff uses their discretion when the open space area can meet the 5,000 square foot area requirement but may not meet the precise dimensions above. In this case, this area meets neither of these benchmarks and Staff believes it is not qualifying open space. With this area removed from the open space calculations, Staff has calculated that the qualified open space for the site is approximately 0.64 acres, or approximately 10.57%. The proposed open space still meets UDC minimum requirements and Staff finds that the open space with the water feature and the large open space lot in the center of the development are sufficient for the number of homes proposed in this development.

The required landscape buffer along E. Lake Hazel should be shown on the open space exhibit even though it is not qualifying open space. As stated above, Staff recommends these improvements be completed with development of the residential portion of the site. The open space exhibit should be revised to show this area to give a more complete picture of all open space on the site in accordance with UDC 11-3G-3.

L. Qualified Site Amenities (UDC [11-3G](#)):

Based on the area of the proposed plat (approximately 6 acres for the residential component), a minimum of one (1) qualified site amenity is required to be provided per the standards listed in UDC 11-3G-3C. Even if the amenities were based on the entire 14 acre parcel, one (1) qualified site amenity would still be required.

The applicant has proposed one (1) qualified amenity: a seating area with a water feature located at the end of the new local street. This water feature shows a small fountain and boulders that also flows into a small stream channel.

The proposed amenity meets the minimum UDC requirements and Staff finds it to be a nice amenity for the community.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is shown on the landscape plan but is not made clear as to what type of fencing it is. Fencing shown next to any open space shall be open-vision or semi-private fencing per UDC requirements.

This fencing requirement applies to the area of the property that abuts the Ten Mile Creek. The Ten Mile Creek itself is not located on this site but its easement does. Ten Mile Creek is to remain

open as this Applicant does not have rights to it. The creek should be protected during development on this site.

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

The Applicant has submitted sample elevations of the attached single-family homes for this project (see Section VII.G).

The submitted elevations show all single-story attached structures with two-car garages and similar finishing materials of stucco, masonry, and wood. In addition, the elevations show both shed roof and traditional pitched roof designs. The Applicant has not stated there will only be single-story attached structures. Staff has also not received updated elevations for the townhome style product. The submitted sample elevations appear to meet design requirements for single-family homes.

Because the proposed local street running north-south is straight and relatively long, Staff is recommending that future homes are built across varying setbacks to provide variation along the street and help ensure there is not a monotonous wall plane of homes along this street. Attached and townhome single-family residential require design review approval prior to building permit submittal. This requirement gives staff the opportunity to review the site plan and ensure compliance with the above noted recommendation.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and zoning with the requirement of a Development Agreement and approval of the requested preliminary plat with the conditions noted in Section VIII.A per the findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on June 18, 2020. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Preliminary Plat requests.

1. Summary of Commission public hearing:

- a. In favor: Tamara Thompson, Applicant Representative; Daryl Zachman, Pastor of church to be developed in the future.
- b. In opposition: None
- c. Commenting: Tamara Thompson; Daryl Zachman
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson
- f. Other Staff commenting on application: Bill Parsons

2. Key issue(s) of public testimony:

- a. No issues—Daryl Zachman commented on location of shared open space and the temporary emergency-only access along the west boundary.

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

- a. Removal or modification of Staff condition 3.B and the feasibility of either outcome;
- b. Location and size of the large common open space lot shared between the future Church site and this preliminary plat; and issue of who will own and maintain this shared open space lot;
- c. Whether this plat should be combined with the future conditional use permit required for the Church site and how the two projects will function together;
- d. Wants Applicant to look at some sort of netting to prevent broken windows from the adjacent golf course.

4. Commission change(s) to Staff recommendation:

- a. Modify condition 1.F to include language that requires the future HOA and the Church enter into a use agreement to ensure perpetual maintenance of the common open space located on Lot 2, Block 2;
 - b. Remove condition 3.B from the staff report.
 - 5. Outstanding issue(s) for City Council:
 - a. Applicant has not submitted any information on the netting that Commission wanted them to discuss internally; Council should discuss whether they want to condition netting along the eastern boundary or not.
- C. The Meridian City Council heard these items on August 11, 2020. At the public hearing, the Council moved to approve the subject Annexation and Preliminary Plat requests.
- 1. Summary of the City Council public hearing:
 - a. In favor: Tamara Thompson, The Land Group (Applicant Rep.); Kit Fitzgerald.
 - b. In opposition: Annette Alonso, Southern Rim Coalition
 - c. Commenting: Tamara Thompson, Annette Alonso, and Kit Fitzgerald
 - d. Written testimony: None
 - e. Staff presenting application: Joseph Dodson, Current Associate Planner
 - f. Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - a. Open space location;
 - b. Density concerns for this area of the City;
 - c. Road connectivity to future projects to the west;
 - d. School enrollment and capacity.
 - 3. Key issue(s) of discussion by City Council:
 - a. Guest parking and where that could occur onsite, specifically for the townhome units;
 - b. Expected demographic of homebuyers in this neighborhood related to how it might affect nearby school enrollment that is already an issue;
 - c. Whether there is a need to add a condition for netting along homes abutting the golf course to the east as requested by the Commission or if it should be left to individual homeowners on how they would like to mitigate any future issues;
 - 4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Annexation Legal Description and Exhibit Map



ANNEXATION

Page 1 OF 1

February 19, 2020
Project No.: 119022

ANNEXATION

CALVARY CHAPEL TREASURE VALLEY INC.

A parcel of land as shown on Record of Survey Number 2880, recorded as Instrument Number 94050954, records of Ada County, situate in a portion of Government Lot 3, Section 4, Township 2 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 4 (from which the Northwest Corner of said Section 4 bears South 89°56'28" West, 2651.66 feet distant);
Thence on the north/south midsection line of said Section 4, South 00° 37' 05" West, 1356.13 feet;

Thence leaving said north/south midsection line and on the southerly and westerly boundary of said parcel shown on Record of Survey Number 2880, South 89° 59' 56" West, 21.00 feet;

Thence North 28° 52' 16" West, 82.77 feet;

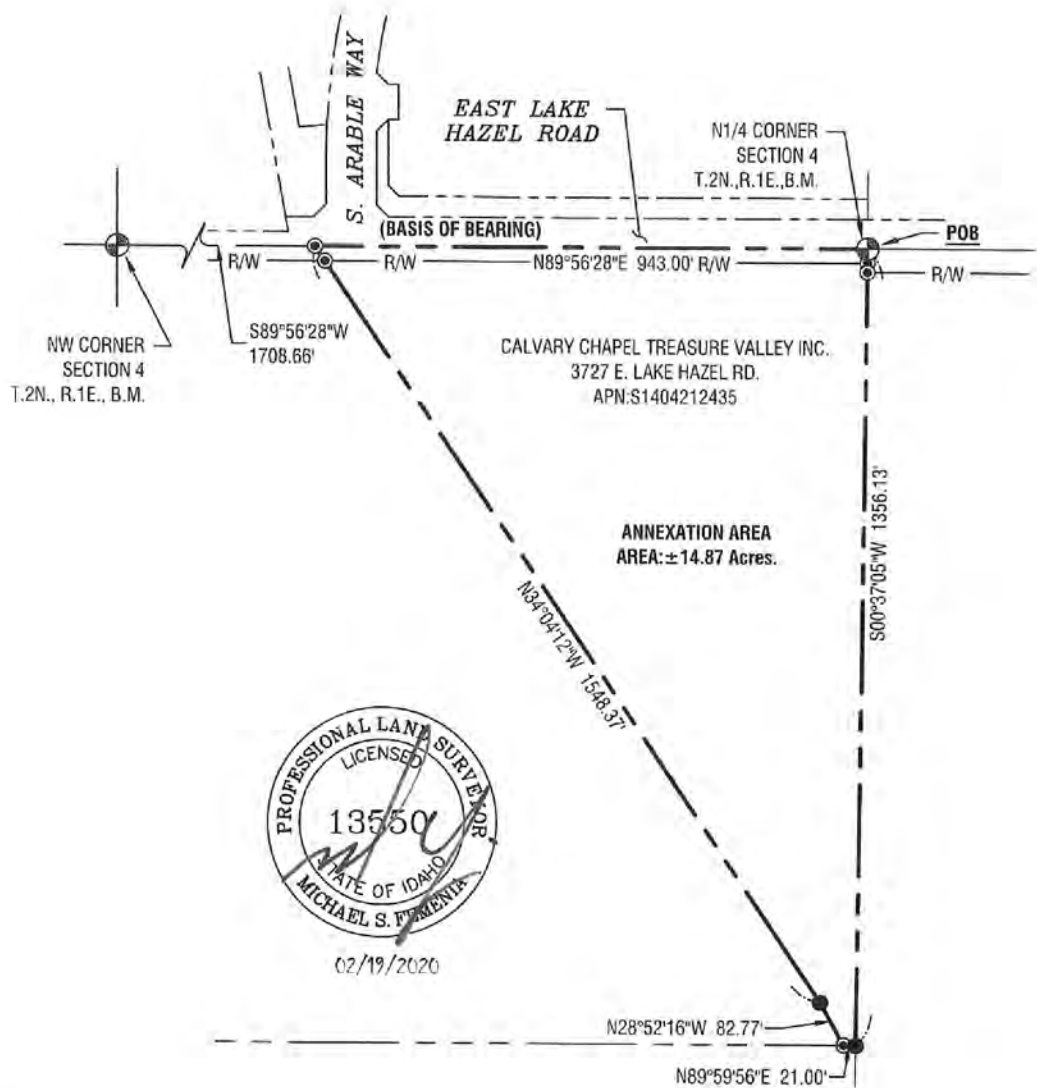
Thence North 34° 04' 12" West, 1548.37 feet to a point on the north section line of said Section 4;

Thence on said north Section line North 89° 56' 28" East, 943.00 feet to the **POINT OF BEGINNING**

The above described parcel contains 14.87 acres, more or less.

PREPARED BY:
The Land Group, Inc.





File Location: g:\2019\119022\222\survey\shf\119022.dwg
User: shf
Date: 11/19/2019 11:27 AM
DWS: 20190222



Exhibit "B"

Horizontal Scale: 1" = 250'



Project No.: 119022
Date of Issuance: February 19, 2020



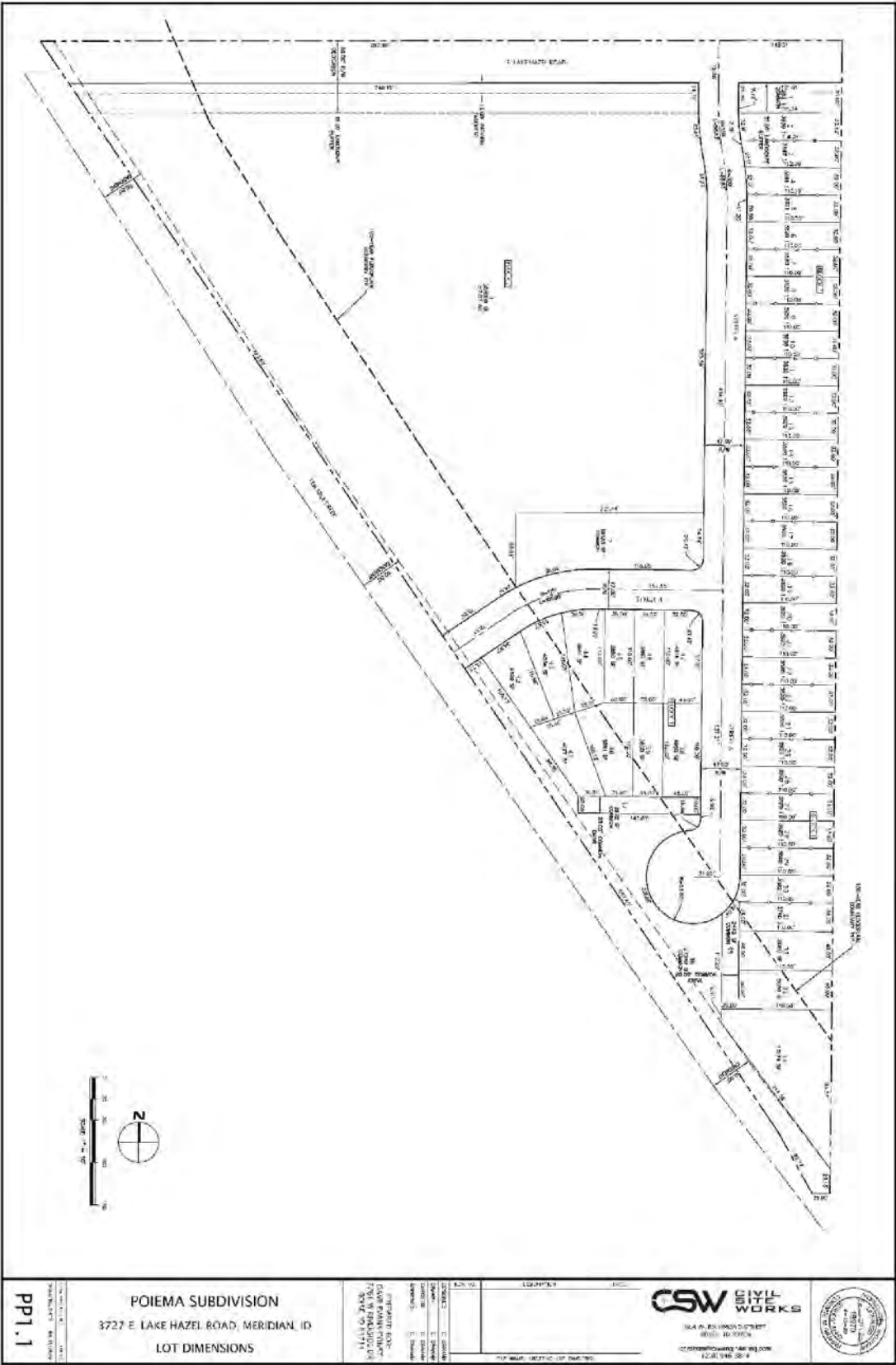
Calvary Chapel Treasure Valley Inc. Annexation

1 of 1

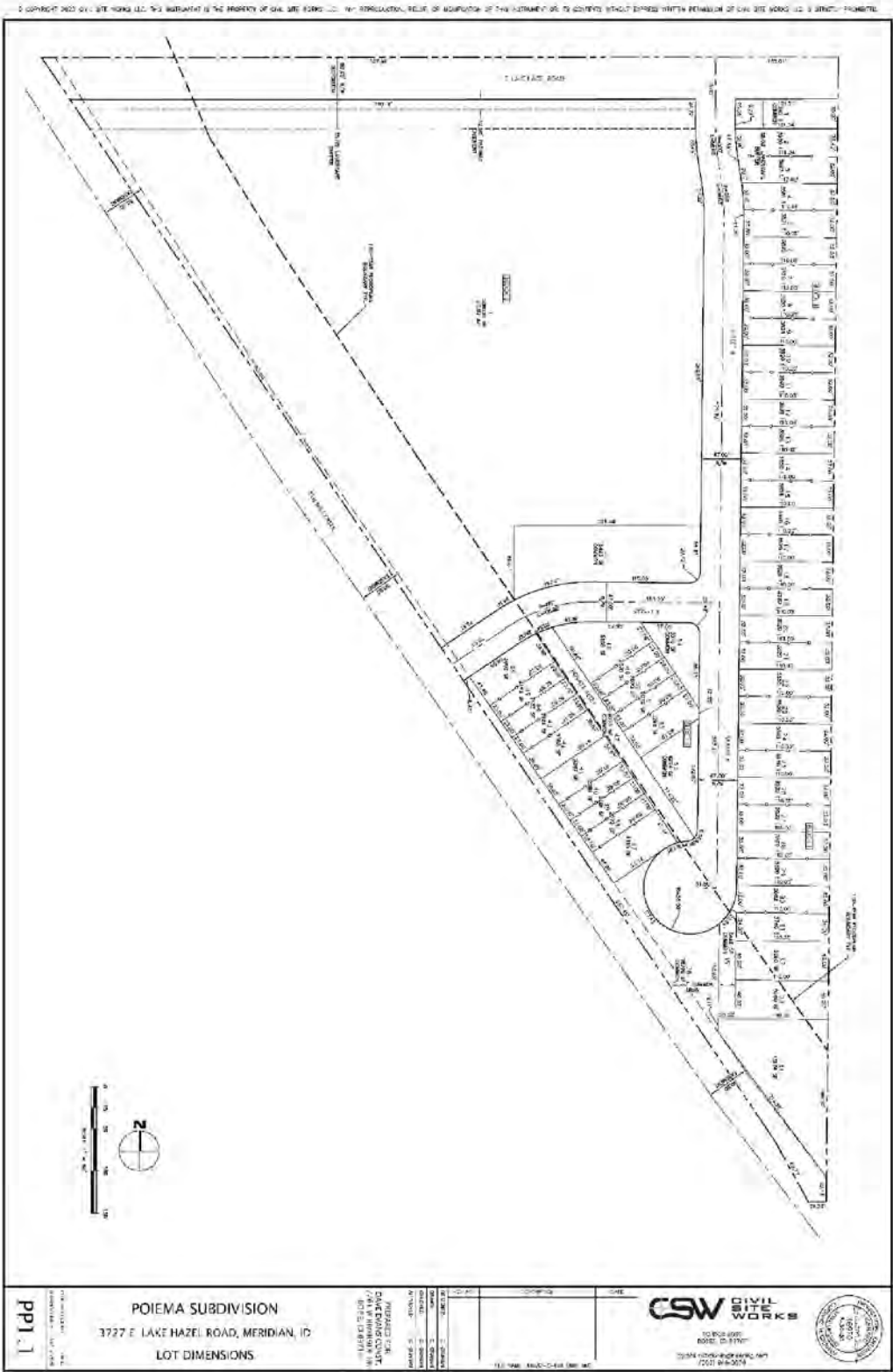
B. Master Development Concept Plan

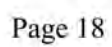


C. Original Preliminary Plat (date: 4/15/2020)



D. REVISED Plat (dated: 06/15/2020 7/30/2020)



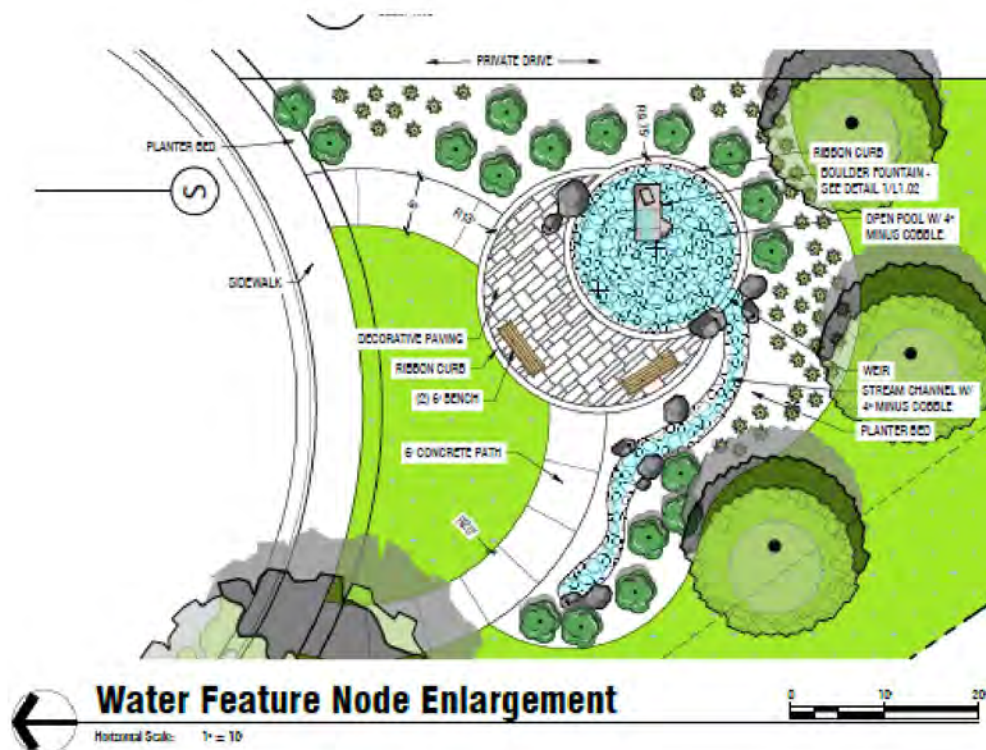


E. Open Space Exhibit (dated: 06/15/2020-August, 2020)

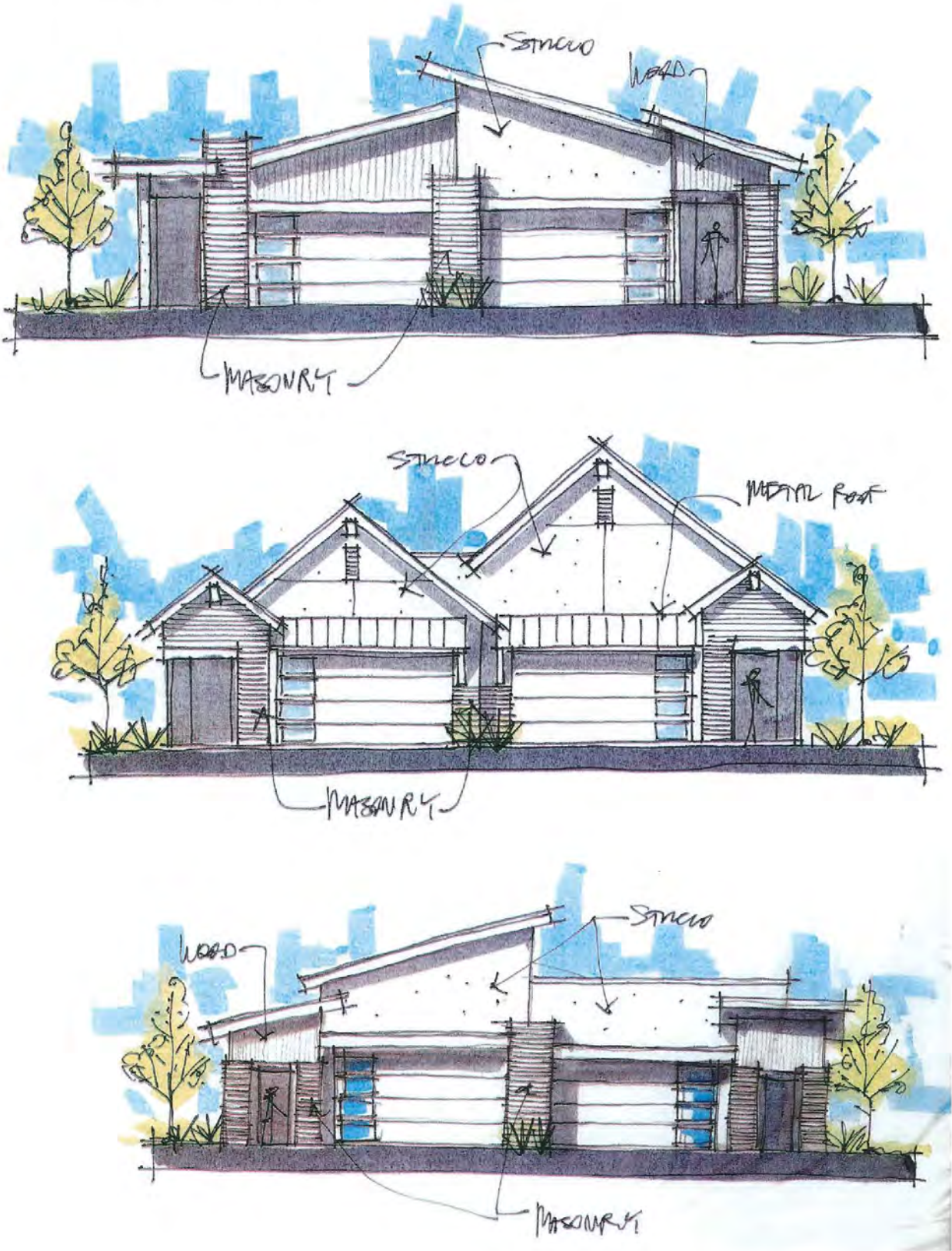


F. Landscape Plan (date: 4/3/2020-8/03/2020)





G. Conceptual Building Elevations





VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be generally consistent with the submitted and revised plans and conceptual building elevations for the attached single-family and townhome dwellings included in Section VII and the provisions contained herein.
 - b. The Applicant shall comply with the ordinances in effect at the time of application submittal.
 - c. Direct lot access to E. Lake Hazel Road shall be prohibited.
 - d. The entire frontage improvements along E. Lake Hazel Road shall be completed with the first phase of development.
 - e. The proposed townhome units shall front on open space and not on the alleyway, especially those units facing the Ten Mile Creek.
 - f. Lot 2, Block 2 shall be a non-buildable lot in perpetuity ~~owned and maintained by the future homeowner's association for the residential portion of this project and not owned and maintained by the future church.~~ and the Church and future homeowner's association shall enter into a use agreement to ensure continued maintenance of this lot.
- ~~2. At least (10) days prior to the City Council hearing, the Applicant shall submit conceptual building elevations of the proposed townhome units.~~
 3. ~~Ten (10) days prior to the City Council hearing, the~~ The revised preliminary plat included in Section VII.CD, dated 04/15/2020 July 30, 2020, shall be revised as follows is approved as submitted.
 - ~~a. Add a note prohibiting direct lot access via E. Lake Hazel Road.~~
 - ~~b. Show Lot 34, Block 1, to include that common open space area outside of its fence, adding it to this lot and removing it from any common lot to eliminate a potential safety and crime hazard.~~
 - ~~c. Coordinate with the ACHD and Staff on the final position of the proposed alleyway for the townhome units that meets all required City and ACHD standards. This condition shall be satisfied at least ten (10) days prior to the City Council hearing or the project will be continued to a future date determined by Staff.~~

- d. ~~Provide traffic calming at the internal intersection to break up the block length of the proposed "Street A". Work with ACHD on appropriate measure to ensure pedestrian safety at this intersection.~~
- 4. ~~Ten (10) days prior to the City Council hearing, the~~ The revised landscape plan included in Section VII.F, dated ~~05/04/2020~~ August 3, 2020, ~~shall be revised as follows is approved.~~
 - a. ~~Label and depict the type of fencing proposed throughout the development; all fencing shall comply with the standards listed in UDC 11-3A-7.~~
 - b. ~~Revise the landscape plan to show the new layout and townhome units; any changes in landscape calculations shall also be reflected in the calculations table.~~
 - c. ~~Correct the landscape buffer along E. Lake Hazel to show the required 35-foot buffer width in accordance with the dimensional standards for R-15 zoning district, UDC 11-2A-7.~~
- 5. ~~Ten (10) days prior to the City Council hearing, the open space exhibit included in Section VII.E shall be revised to show the required 35-foot landscape buffer along E. Lake Hazel and show this area in the calculations table.~~
- 6. Future development shall be consistent with the R-15 dimensional standards listed in UDC Table 11-2A-7 for all buildable lots.
- 7. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
- 8. Staff recommends the Applicant work with ACHD on allowing the emergency only access as an additional access for the church site after the parcel to the west develops and provides a secondary access into the development.
- 9. An exhibit shall be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway shall be depicted on the opposite side of the shared property line from the common driveway as set forth in UDC 11-6C-3D.
- 10. The Applicant shall obtain Conditional Use Permit approval prior to development of the future church site, per UDC Table 11-2A-2.
- 11. Administrative Design Review application is required to be submitted and approved prior to submittal of any building permit applications for single-family attached dwellings and townhomes, as applicable.
- 12. Future homes along the proposed "Street A" shall provide variation in building setbacks to provide for an attractive streetscape. A master plan depicting varying building setbacks shall be submitted with the required design review applications.
- 13. The Ten Mile Creek that abuts the subject site along its western boundary shall be protected during construction.
- 14. The Applicant shall construct a temporary turnaround with a minimum turning radius of 45 feet at the end of the proposed western stub street in alignment with ACHD policies. The turnaround is required until such time that the stub street connects to future streets in the development to the west.

B. PUBLIC WORKS**1. Site Specific Conditions of Approval**

- 1.1 A street light plan will need to be included in the final plat application. Street light plan requirements are listed in section 6-7 of the City's Design Standards.
- 1.2 An FLDP (Flood Plain Development Permit) is required. Currently the property is within an "A Zone". Study submitted requires culvert on Lake Hazel to be replaced and LOMR completed to change maps.
- 1.3 Sanitary sewer mains are not allowed in common driveways.
- 1.4 Applicant to provide "to and through" sanitary sewer mainline connection to the property to the west.
- 1.5 The water main extension in E. Lake Hazel Road is shown in the wrong utility corridor, as depicted on the conceptual engineering submitted with the application. The water main should remain north of center-line instead of being moved south of center-line. In addition, the water main in E. Lake Hazel Road needs to be a 12-inch diameter, not an 8-inch diameter as shown. We prefer to have a mainline stub or service line (whichever is needed) to the future church lot to eliminate cutting the new road in the future.
- 1.6 The geotechnical investigative report prepared by MTI (Materials Testing & Inspection) dated March 7, 2003, and updated July 24, 2020, indicates some very significant groundwater and soils concerns, and specific construction considerations and recommendations. The applicant shall be responsible for the strict adherence of these considerations and recommendations to help ensure that homes are constructed upon suitable bearing soils, and that shallow groundwater does not become a problem with home construction. **~~Prior to this application being considered by the Meridian City Council, the applicant shall be required to submit up to date ground water monitoring data based upon current adopted building codes, as well as any other updated geotechnical information or recommendations since the initial work by MTI back in 2003.~~**
- 1.7 Due to the very significant groundwater and soils concerns on site, structures are to be founded on conventional reinforced spread footings and walls, and slab-on-grade foundations.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit

an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.

- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.

- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT (MFD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186859&dbid=0&repo=MeridianCity&cr=1>

D. POLICE DEPARTMENT (MPD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=186743&dbid=0&repo=MeridianCity>

E. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188199&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188719&dbid=0&repo=MeridianCity>

G. CENTRAL DISTRICT HEALTH DEPARTMENT (CDH)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188182&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=190509&dbid=0&repo=MeridianCity>

IX. FINDINGS**A. Annexation and/or Rezone (UDC 11-5B-3E)**

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

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

Council finds the proposed zoning map amendment to R-15 and proposed uses are consistent with the Comprehensive Plan, if all provisions of the Development Agreement and conditions of approval are complied with.

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

Council finds the proposed zoning map amendment will allow for the development of single-family detached homes which will contribute to the range of housing opportunities available within the City, consistent with the Comprehensive Plan, and the purpose statement of the residential districts.

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

Council finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.

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

Council finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

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

Council finds the proposed annexation is in the best interest of the City per the Analysis in Section V.

B. Preliminary Plat Findings:

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

Council finds that the proposed plat, with Staff's recommendations, is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan analysis and other analysis in Section V of this report for more information.)

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

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

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

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

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

Council finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc.). (See Section VII for more information.)

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

Council is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and approves of the project.

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

Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving. The Ten Mile Creek does not reside on this property but its easement will be respected.