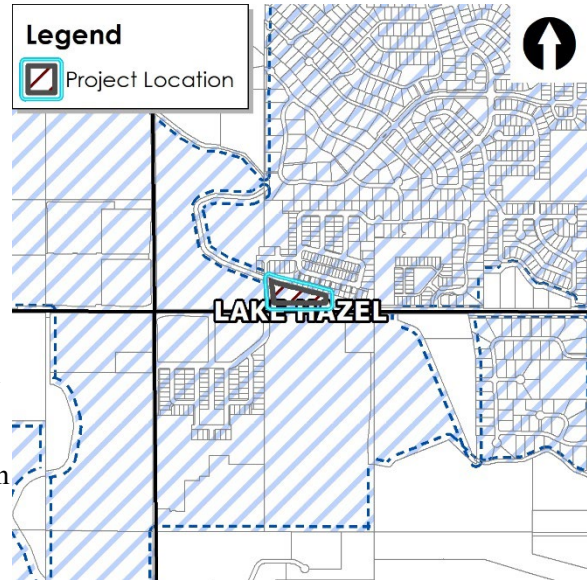


STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 9/6/2022
 TO: Mayor & City Council
 FROM: Joe Dodson, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0036
 Lavender Place Subdivision
 LOCATION: The site is located at 2160 E. Lake Hazel Road, approximately 1/4 mile east of S. Locust Grove on the north side of Lake Hazel, in the SE 1/4 of SW 1/4 of Section 32, Township 3N, Range 1E.



I. PROJECT DESCRIPTION

- Preliminary Plat consisting of four (4) single-family attached building lots and 26 single-family townhome lots on approximately 3.79 acres of land in the existing R-40 zoning district;
- Conditional Use Permit to construct 26 townhome lots within the R-40 zoning district;
- Private Street application for proposed single-family development requiring administrative approval only, by Breckon Land Design on behalf of LH Development, LLC.

NOTE: Application also includes three (3) Alternative Compliance requests, discussed in subsequent sections of the staff report.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	3.79 acres	
Future Land Use Designation	Medium-High Density Residential (8-12 du/ac)	
Existing Land Use(s)	Vacant land	
Proposed Land Use(s)	Attached Single-family Residential and Townhome Residential	
Lots (# and type; bldg./common)	26 townhome lots and four (4) single-family attached lots.	
Number of Residential Units	30 residential units	
Density	Gross – 7.92 du/ac	
Open Space (acres, total [%]/buffer/qualified)	Open Space was approved as part of previous Lavender Heights approvals.	
Amenity	Seating area.	

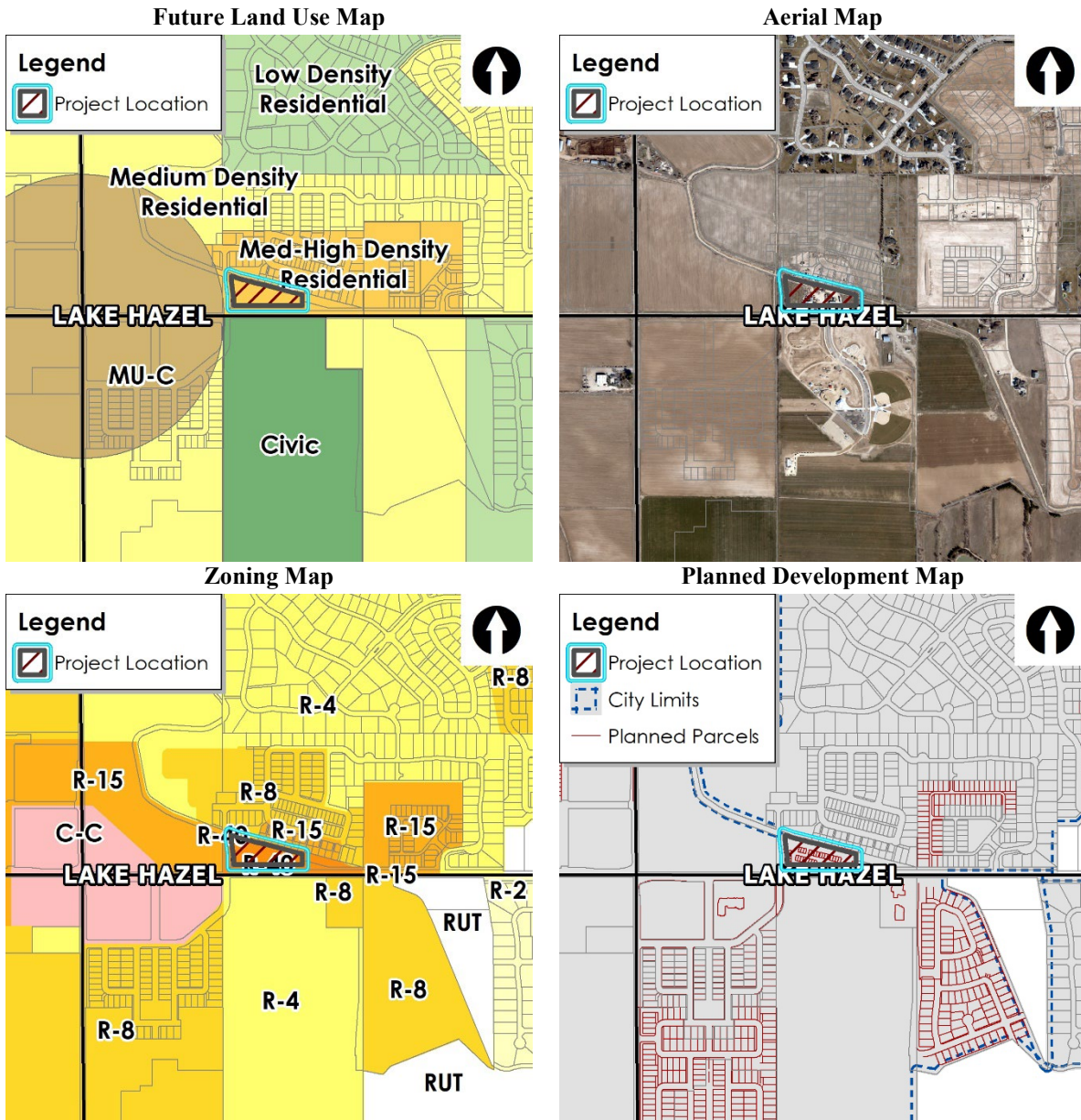
Description	Details	Page
Physical Features (waterways, hazards, flood plain, hillside)	Farr Lateral is adjacent to the site along the entire north boundary.	
Neighborhood meeting date; # of attendees:	March 2, 2022 – No attendees	
History (previous approvals)	H-2020-0004 (Lavender Heights Sub., AZ, PP); H-2022-0017 (MDA)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> Requires ACHD Commission Action (yes/no) 	No	
<ul style="list-style-type: none"> Traffic Impact Study (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	No direct access to Lake Hazel. Access is proposed via a new private street connection to S. Bloomerang Avenue, an existing collector street abutting the west property boundary.	
Stub Street/Interconnectivity/Cross Access	No stub streets are proposed or required as there are no existing stub streets.	
Existing Road Network	Lake Hazel and Bloomerang are existing public streets.	
Existing Arterial Sidewalks / Buffers	Through previous approvals (H-2020-0004), arterial sidewalks and buffer have been constructed.	
Proposed Road Improvements	New private street for access to all proposed lots.	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station 	4.1 miles from Fire Station #4 (Approximately 600 feet from approved fire station #7 on Lake Hazel; response time will fall within the 5-minute response time goal area).	
<ul style="list-style-type: none"> Fire Response Time 	Project currently does not reside within the Meridian Fire 5-minute response time goal area.	
<ul style="list-style-type: none"> Resource Reliability 	Fire Station #4 reliability is 77% (below the goal of 80%)	
<ul style="list-style-type: none"> Risk Identification 	Risk Factor 2 – Residential with hazards (open waterway – Farr Lateral)	
<ul style="list-style-type: none"> Accessibility 	<ul style="list-style-type: none"> Proposed project meets all required road widths, access, and turnaround dimensions. 	
Police Service	No Comment	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	N/A	
<ul style="list-style-type: none"> Sewer Shed 	Black Cat Trunkshed	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See application	
<ul style="list-style-type: none"> WRRF Declining Balance 		
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	

Description	Details	Page
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> Flow is committed Sewer main and manhole must be centered along easement. Utility easement not listed on Declaration St. 30' easement is required for sewer and water running in parallel. 	
Water		
<ul style="list-style-type: none"> Pressure Zone 	5	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application	
<ul style="list-style-type: none"> Water Quality Concerns 	None	
<ul style="list-style-type: none"> Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> Impacts/Concerns 	<ul style="list-style-type: none"> Per the Pre-application notes applicant to connect to Lake Hazel Road in addition to Bloomerang connection. Connect at the eastern side of the site. Max length for one-inch lines feeding two lots is 80' from main to water meter vaults. Service to lot 19 and 20 appear longer than 80. Address if line is one-inch. 20' easement needed up water meter vault and past as space allows. 	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Mary Wall, Breckon Land Design – P.O. Box 44465, Boise, ID 83711

B. Owner:

Taylor Merrill, LH Development, LLC – P.O. Box 344, Meridian, ID 83646

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	7/5/2022	8/21/2022
Radius notification mailed to properties within 500 feet	6/30/2022	8/18/2022
Site Posting	7/22/2022	8/24/2022
Nextdoor posting	6/30/2022	8/18/2022

V. STAFF ANALYSIS

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

Medium-High Density Residential (MHDR) – 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.

Lavender Place subdivision is approximately 3.8 acres and was annexed into the City in 2020 as part of Lavender Heights Subdivision. As part of this annexation, the subject site was approved with the R-40 zoning district and was anticipated for a future multi-family development. Since these approvals, the Applicant has received a development agreement modification (H-2022-0017) to change the presumed land use on the subject site from multi-family to single-family attached and single-family townhome units. In addition, the subject site and its future use does not require a minimum amount of open space and amenities because it is part of the Lavender Heights development and will share the approved open space and amenity package with the rest of the residents. However, the Applicant is proposing a plaza area with seating to provide an amenity within this specific area of the project. Further, the Applicant is proposing the project to be largely “alley” loaded with all but two of the proposed units fronting on green space to comply with the Private Street applicability standards; subsequently, multiple detached sidewalks are included for added pedestrian access through the site.

With the proposed plat of 30 residential units and requested land use of alley-loaded single-family attached and townhome units, the Applicant is proposing its densest product (almost 8 units per acre) along Lake Hazel and introducing a new housing type to the overall Lavender Heights development. Both of these factors help the proposed project further comply with the MHDR future land use designation and the comprehensive plan overall. In addition, the proposed placement and site design offer great pedestrian connectivity to the nearby Discovery Park (across the street) to the south and to the remaining open space and amenities within Lavender Heights. According to the submitted conceptual elevations, the Applicant is proposing to construct the homes within this project of similar style to those within the parent development, Lavender Heights. This furthers Staff’s belief that the proposed Lavender Place Subdivision complies with the comprehensive plan and previous approvals.

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). *As discussed above, the subject project is proposed with a housing type not seen within the parent development of Lavender Heights nor within nearby developments. Staff finds the addition of single-family townhomes and single-family attached units add to the diversity of housing available in this area of the City.*

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). *All public utilities are available for this project site due to the Lavender Heights development currently under construction to the north. The abutting public roadways are constructed to their full widths at this time (Lake Hazel is planned for widening in the future) with additional right-of-way dedicated with previous applications. This project does not currently lay within the Fire Department response time goal of 5-minutes but will once Fire Station 7 is constructed and staffed directly south of the property, anticipated in late Summer 2023. Further, the proposed project meets all Fire required turnarounds, road widths, and meets the maximum number of units allowed off of a singular access, 30 homes. West Ada School District has not made comments on this application but an additional 30 homes are expected to generate approximately 24 school aged children.*

Staff finds that the existing and planned development of the immediate area create conditions for levels of service to and for this proposed project that meet code requirements.

“Preserve, protect, and provide open space for recreation, conservation, and aesthetics” (4.05.01F). *The subject property is less than 5 acres in size so code does not require a minimum amount of open space. Furthermore, the subject property is already annexed into the City and is part of a larger development (Lavender Heights) that contains open space and amenities in excess of code requirements at the time of approval. The Applicant is proposing a relatively small area of open space in this project in the form of a plaza with benches for seating and includes other accessory landscape areas in the project for aesthetics and quality of life. Because the subject project will be part of the overall Lavender Heights HOA and is proposed with easy access to a multi-use pathway segment and open space directly to the north, Staff finds the subject site provides appropriate open space for the proposed project in the larger context of the development and the immediate area.*

“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). *This new subdivision is located between E. Lake Hazel Road, an arterial street, and the Farr Lateral that is proposed with a segment of multi-use pathway previously approved with the Lavender Heights development to the north. The previous approvals included approximately 7 acres of usable open space that interconnects with internal sidewalks and a large multi-use pathway segment throughout the development; the subject project continues this design element while introducing a new housing type to the area. In addition, the proposed development will continue to preserve opportunities for residents to get to Discovery Park; Discovery Park lies across E. Lake Hazel Road, directly south of this project. Staff is recommending slight modifications to the plat to accommodate a more direct path north-south through the site to allow for even easier, more direct access to the park.*

“Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity.” (2.02.01D). *The proposed project includes multiple detached sidewalks and micro-paths throughout the site and fronts nearly half of the units towards a new segment of multi-use pathway offering ample pedestrian facilities that connect to the adjacent parent subdivision to the north, Lavender Heights, and to the arterial sidewalk along Lake Hazel. Staff finds the proposed site design and proposed pedestrian facilities will link the*

project to existing and planned development in the area, specifically to Lavender Heights to the north and Discovery Park to the south.

“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). *Urban services include services and uses beyond that of utilities and emergency response; gas stations, grocery stores, public parks, and other retail/office uses are essential for a good quality of life. The subject site is relatively far removed from commercial services at this time but the new Albertson’s grocery store approximately 1 and a half miles to the northeast and planned commercial approximately ½ mile to the west will help fill the urban services gap currently existing in this area of the City. Furthermore, the City’s soon-to-be largest public park is located directly south of the subject site, Discovery Park. Therefore, despite commercial services not currently being within walking distance of the subject site, Staff finds the planned development in vicinity of the project site constitutes adequate urban services for this project. In addition, Lavender Place Subdivision is an extension of the already under construction Lavender Heights Subdivision to the north and is adjacent to multiple other developments in this area of the City. These facts further Staff’s belief the subject site will be adequately served by public and urban services in the near-term future.*

Staff finds this development to be generally consistent with the Comprehensive Plan, as discussed throughout the above sections and comprehensive plan policies.

C. Existing Structures/Site Improvements:

There are no existing structures on the subject site. However, a segment of the Farr Lateral lays within the subject site and runs along the entire north boundary. This waterway is proposed to remain open and was previously approved to do so.

D. Proposed Use Analysis:

The proposed uses within this project are all residential—single-family attached (2 units connected) and single-family townhomes (3 or more attached units). The proposed single-family attached residential use is a permitted use within the existing R-40 zoning district but the proposed townhouse dwellings require Conditional Use Permit (CUP) approval within the R-40 zoning district, per UDC Table 11-2A-2. The Applicant has submitted a CUP with the preliminary plat application for this purpose. The submitted Lavender Place plat is proposed to be constructed in one (1) phase but is essentially phase 4 of the parent development, Lavender Heights Subdivision.

Staff supports the residential uses proposed within the Lavender Place Subdivision because they help the project meet the minimum density requirements of the overall Lavender Heights project and will add two additional housing types to this project and to the immediate area. This is supported by our comprehensive plan as discussed above. Therefore, Staff recommends approval of the subject CUP request for townhomes within the existing R-40 zoning district. The required findings can be found in Section IX at the end of this report.

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

The submitted preliminary plat is proposed within existing R-40 zoning district area and requires compliance with the dimensional standards within UDC Table 11-2A-8. Specifically, the plat should depict compliance with the minimum lot size requirement of 1,000 square feet. Because home placement on the building lot is not yet known at the time of preliminary plat submittal, setbacks cannot generally be reviewed at this time. However, per the submitted plat, the Applicant is showing the building envelope on each lot including the proposed zero lot-lines for the attached units. In addition, all subdivision developments are also required to comply with

Subdivision Design and Improvement Standards (UDC 11-6C-3).

The proposed preliminary plat and submitted plans appear to meet all UDC requirements of the R-40 zoning district including minimum building lot size and building setbacks based on the depicted building envelopes shown. Further, the submitted plat appears to meet all UDC standards outlined in UDC 11-6C-3 except for the Common Drive standards and the maximum length allowed for a dead-end street. The Applicant is requesting Alternative Compliance to the common drive standards—Staff analysis on this is in the below Access section (Section V.G).

In addition, the Applicant requires Council approval for the proposed dead end street that exceeds 500 linear feet but is less than 750 feet (approximately 680 linear feet), per UDC 11-6C-3B.4b. Per the allowances noted within this code section, Staff recommends approval of the proposed street length as there is no opportunity for connectivity to the north due to the Farr Lateral abutting the entire north boundary and because staff does not support an additional access to Lake Hazel to the south, an arterial street.

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

The Applicant submitted conceptual building elevations for the proposed residential dwellings. Note that attached single-family and townhomes require Design Review approval before building permit submittal. Therefore, Staff will review each set of elevations for compliance with the single-family residential architectural standards. Staff recommends the Design Review application be submitted with the final plat application.

The submitted elevations depict two-story homes with two-car garages for each unit. As discussed above, the proposed homes are “alley” loaded and therefore have the garage facades facing the internal private street and the pedestrian access for each home entrance faces green spaces throughout the site. The elevations depict varying color choices with lap siding as the main field material and varying accent materials including stone and architectural wood material (see snip below).



G. Access ([UDC 11-3A-3](#), [11-3H-4](#)):

Access to Lavender Place is proposed via construction of a new private street (depicted as E. Declaration Street) that connects to S. Bloomerang Avenue (a collector street) at the west property boundary. The private street is proposed at a width of 25 feet measured to the back of the rolled curb, with no sidewalk. Private streets are governed by the standards outlined in UDC 11-3F-4 and the findings in UDC 11-3F-5. Further, vehicular access to each residential building lot is proposed from this private street and provides 5’ of concrete beyond the edge of the private

street to delineate the driving surface from the building lots. NOTE: Two of the homes are depicted with driveways at least 20 feet in depth and width per code and two are shown with driveways less than 20 feet deep but deeper than 5 feet. More analysis on this is below.

According to the submitted plat, the proposed private street complies with all UDC standards except for the common lot requirement and the prohibition that a common drive takes access from the private street. According to submitted plat, the Applicant has noted the private street is on a common lot (Lot 2, Block 11) but this common lot encompasses other common area as well. UDC 11-3F-4A requires the private street be on its on singular common lot. Therefore, the Applicant is required to revise the plat to add an additional common lot solely for the private street.

The Applicant is requesting Alternative Compliance (ALT) to the Private Street standard that prohibits a common drive taking access from the private street, as allowed per UDC 11-5B-5B. In order to meet the City's desired density in this area and within the Lavender Heights overall development, the Applicant is proposing a common drive off of the private street to serve 4 building lots on its west side. Further, the Applicant is proposing 3 off-street parking spaces at the end of the common drive. Staff supports the inclusion of the common drive within this development to allow additional building lots that increase the overall gross density as envisioned by the Comprehensive Plan and to meet the minimum number of units required within the existing Development Agreement. Therefore, Staff supports the Applicant's Alternative Compliance request to the UDC 11-3F-4A.6 standard. See the required findings in Section IX below.

However, Staff does have concerns with the placement and design of the driveways for Lots 32 and 33. Due to the design of the private street, both of these driveways are deeper than 5 feet (minimum garage alley setback) but are not 20 feet deep to accommodate an off-street parking space. Staff is concerned these sub-standard driveways will encourage residents to park in these areas and would prohibit safe vehicular movement on the private street near the entrance of the project. Staff does not have a specific revision but wants to point out this probable conflict so the Applicant can make revisions to the plat and design to mitigate this issue. With the submittal of the final plat, provide an exhibit either showing that the distance between the face of garage and the private street is 20' or 5'. Parking in front of a garage less than 20 feet deep is prohibited.

In addition to the ALT needed for the common drive off of a private street, an additional ALT request is being made for an alternative to the common drive standards (UDC 11-6C-3D) to allow four (4) lots to take access from the same side of the common drive where code allows only three (3) lots. As shown on the submitted plat, the Applicant has proposed 4 lots to take access from the west side of the common drive and a 4-plex building directly east of the common drive that takes access from the private street. Staff finds it is feasible to modify the layout of the plat to comply with the common drive standards but finds this would be more wasteful in the overall layout of the proposed plat and would likely reduce the density within the project. Due to its location and future land use designation of medium-high density residential, the City does not envision a reduction in density along this Lake Hazel corridor. So, Staff finds the proposed site design is an efficient use of the subject area and offers an equal means for meeting the common drive standards. Further, Public Works does not have concerns with the common lot and conflicts with services, which is one of the main reasons for this provision in code. See the required findings in Section IX below.

H. 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 dwellings based on the number of bedrooms per unit. The Applicant has submitted an Alternative Compliance request to these standards per their allowance in UDC 11-

5B-5.

Per the submitted parking exhibit (see snip below), the Applicant is proposing to alternatively comply with the off-street parking standards by providing 18 parking spaces that will be designated for each specific unit. Each of the proposed residential units is shown with a 2-car tuck under garage providing the required off-street parking for 2-bedroom homes and meets the requirement of a 2-car garage for 3-bedroom units. However, due to the odd-shape of the parcel that creates a constrained building area, the Applicant proposed private streets and an alley-loaded product that does not readily allow for the required 20' by 20' parking pad for the nine (9) 3 and 4-bedroom homes. The Applicant placed the parking spaces directly across the private street from each unit to minimize the distance homeowners would have to traverse to access their additional parking spaces. In addition to the 18 parking spaces designated for the residents, the Applicant is also showing 7 additional guest parking spaces. NOTE: Parking is prohibited on the private street as well as along Lake Hazel and Bloomerang, the collector street where the private street takes access from.

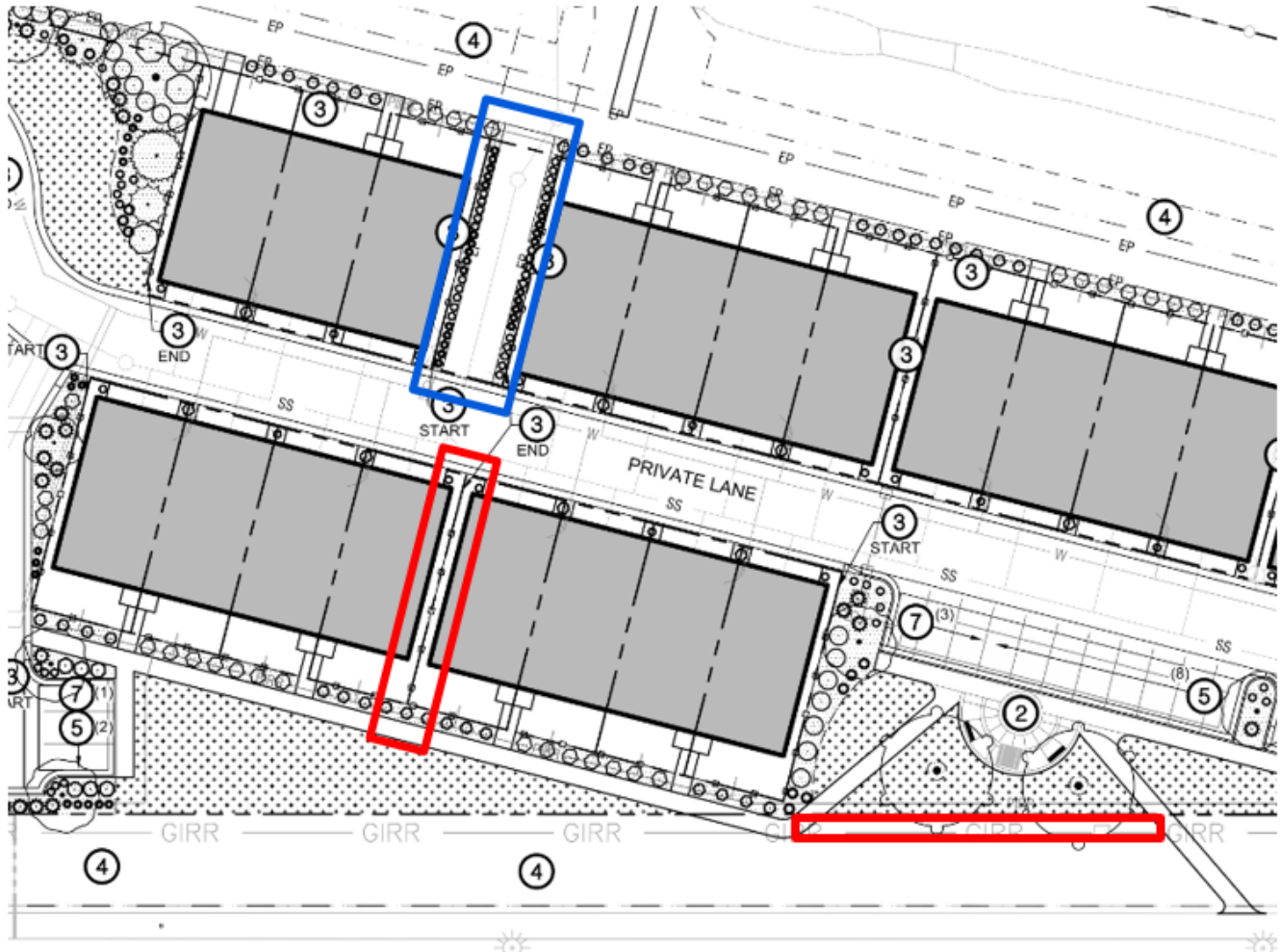


Staff finds the proposed alternative as one option to meet the intent of the off-street parking requirements when accounting for the required density of the existing Development Agreement, site constraints, and limited access for the site. However, upon further review, Staff is recommending a modification to the ALT request: Staff recommends one parking space is allocated for each 3 or 4-bedroom unit instead of two spaces. It is difficult to predict the number of cars each unit will produce so Staff finds it more prudent to offer additional spaces for the entire development and not just the units with more bedrooms. Staff's recommendation would increase the number of guest spaces from seven (7) up to 16 spaces which should allow for more appropriate flexibility in their use for future residents and guests of this development. An additional option, should Commission or Council find the amount of off-street parking is not adequate overall, is to limit the number of units containing 3 or 4 bedrooms as a plat condition. Staff's Alternative Compliance findings for this request are below in Section IX at the end of this report.

I. Sidewalks (UDC [11-3A-17](#)) & Pathways (UDC [11-3A-8](#)):

5-foot wide detached sidewalks are proposed throughout the development that provide the main

pedestrian access for all of the building lots. In addition, the project includes the final 750 feet of multi-use pathway conceptually approved with the Lavender Heights development that runs along the north of the project and provides pedestrian access for half of the proposed units. As part of the previous approvals, there is an existing 5-foot wide pathway connection from this property to the north that crosses the Farr Lateral via a pedestrian bridge and provides interconnectivity between Lavender Heights phase one and the proposed Lavender Place subdivision. This 5-foot pathway connects to the multi-use pathway segment and leads into a 20' wide paved area near the north portion of the site that is required as access for the public sewer main (see blue marked area below). The proposed sidewalks and multi-use pathway meet UDC standards and comply with previous approvals of this site.



Because of the clear north-south connection from the subject site to the open space within phase 1 to the north over the pedestrian bridge and the sewer easement, Staff finds it applicable to help maintain this north-south movement. With the proposed design, two 4-plex buildings impede this natural pedestrian flow and no additional sidewalks are shown to help connect this noted area to the sidewalk along Lake Hazel. As depicted in red above, Staff is recommending a new 5-foot wide micro-path is located between Lots 24 and 25, Block 11 (the two 4-plex buildings shown along Lake Hazel) and for the Applicant to add an additional sidewalk segment around the plaza to for better pedestrian connectivity—Staff is open to more than one design to accomplish the goal of increasing pedestrian connectivity in this area. The new common lot need only be 10 feet

wide to accommodate the 5-foot micro-path and approximately 2.5 feet of landscaping on each side; Staff does not find it necessary to provide a tree along this new micro-path lot for shade as its purpose is simply to be a cut-through between the two buildings where no other convenient north-south pedestrian access currently exists. This appears to be possible by shifting the eastern 4-plex 10 feet to the east and closer to the guest parking spaces (building would be approximately 8 feet from parking space instead of 18 feet). Staff will work with the Applicant to determine the best possible design for this recommendation.

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

The required landscaping regulated by code within the proposed development is landscaping along the multi-use pathway segment (UDC 11-3B-12). The required street buffers to Lake Hazel (arterial) and S. Bloomerang (collector) were constructed with phase 1 of the Lavender Heights Subdivision. The submitted landscape plans do not show landscaping along the pathway as this was shown on the previously approved plans for Lavender Heights. Because the subject plat contains this pathway within its property boundary, the Applicant should revise the landscape plans to depict the existing/proposed landscaping along the multi-use pathway to ensure code compliance.

The Applicant is proposing a number of trees and landscape beds within the development to offer shade and additional aesthetics to the development. This includes shrubs and other vegetative ground cover within landscape beds along the perimeter of the building lots and trees around the proposed plaza area and adjacent to the proposed parking spaces. In accord with Staff's recommended revision to the plat to include an additional north-south micro-path between Lots 24 and 25, Block 11, the Applicant should add some shrubs and vegetative ground cover adjacent to this new micro-path. With the final plat application, the Applicant should make these revisions.

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

The subject plat is less than 5 acres (approximately 3.8 acres) so no minimum open space or amenities are technically required in order to comply with City Code. Despite not being required, the Applicant is proposing a plaza area along the southern property boundary that includes two benches and a picnic table to add an amenity within this project area. Furthermore, future residents of this plat will be part of the larger Lavender Heights Subdivision HOA currently under development to the north and will share in the approved open space and amenities of the larger project (approximately 7.7 acres of open space, multi-use pathway segment, and a swimming pool). In addition, the subject site is directly north of the City's Discovery Park that is currently constructing phase 2 of its planned development and will contain a total of approximately 70 acres of public park and amenity space.

Staff finds the proposed and planned open space and amenities of the Lavender Place and Lavender Heights Subdivisions and the adjacent Discovery Park provide adequate open space and amenities for aesthetic and recreational opportunities.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. 4-foot steel tube fencing is proposed as shown on the landscape plan and appears to meet UDC standards. No fencing is shown on the submitted landscape plans within the Farr Lateral easement area.

M. Waterways ([UDC 11-3A-6](#)):

The subject site contains a segment of the Farr Lateral, an irrigation lateral maintained by Boise Project Board of Control (BPBC). Through the previous Lavender Heights Subdivision approvals, the Applicant was allowed to keep this waterway open and was required to construct a

10-foot multi-use pathway along its length for a regional pathway connection through this area of the City. With the subject plat and proposed development, the waterway is still proposed to remain open and the multi-use pathway will be installed per the original approvals for this site. Any proposed fencing will have to comply with those standards outlined in UDC 11-3A-6 & 11-3A-7.

N. Pressurized Irrigation (*UDC 11-3A-15*):

The Applicant is required to provide a pressurized irrigation system for the development in accord with 11-3A-15. Land Development will review pressurized irrigation plans in more detail when specific plans are submitted with the future Final Plat application.

VI. DECISION

A. Staff:

Staff recommends approval of the requested Preliminary Plat and Conditional Use Permit per the Findings in Section IX of this staff report. The Director and Staff have approved the requested administrative applications associated with this project (Private Streets and Alternative Compliance requests).

B. The Meridian Planning & Zoning Commission heard these items on August 4, 2022. At the public hearing, the Commission moved to recommend approval of the subject Preliminary Plat and Conditional Use Permit requests.

1. Summary of Commission public hearing:

- a. In favor: Jon Breckon, Applicant Representative; Taylor Merrill, Applicant.
- b. In opposition: None
- c. Commenting: Jon Breckon; Taylor Merrill;
- d. Written testimony: None
- e. Staff presenting application: Joseph Dodson, Associate Planner
- f. Other Staff commenting on application: Bill Parsons, Planning Supervisor

2. Key issue(s) of public testimony:

- a. Applicant – desire for project to be approved as conditioned by Staff and for Commission to keep 3-bedroom units and parking alternative as proposed.

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

- a. Parking Alternative and whether units should be limited to 2-bedroom throughout the entire site due to parking constraints of private street and adjacent public roads;
- b. Safe access to Discovery Park due to location being so close to park;
- c. Concept of trash service with proposed private street and design;

4. Commission change(s) to Staff recommendation:

- a. Remove parking in hammerhead turnaround;
- b. Limit all units to no more than 2-bedrooms to help with parking and increase guest parking;

5. Outstanding issue(s) for City Council:

- a. Applicant has not removed parking in hammerhead in an effort to keep 3 additional guest parking spaces;
- b. **Applicant has revised parking exhibit per Staff's revised Alternative Compliance approval but requests to strike Commission's added condition regarding number of bedrooms per unit – Applicant has alternatively proposed to limit noted units to no more than 3-bedrooms and essentially provide 1 space per bedroom.**

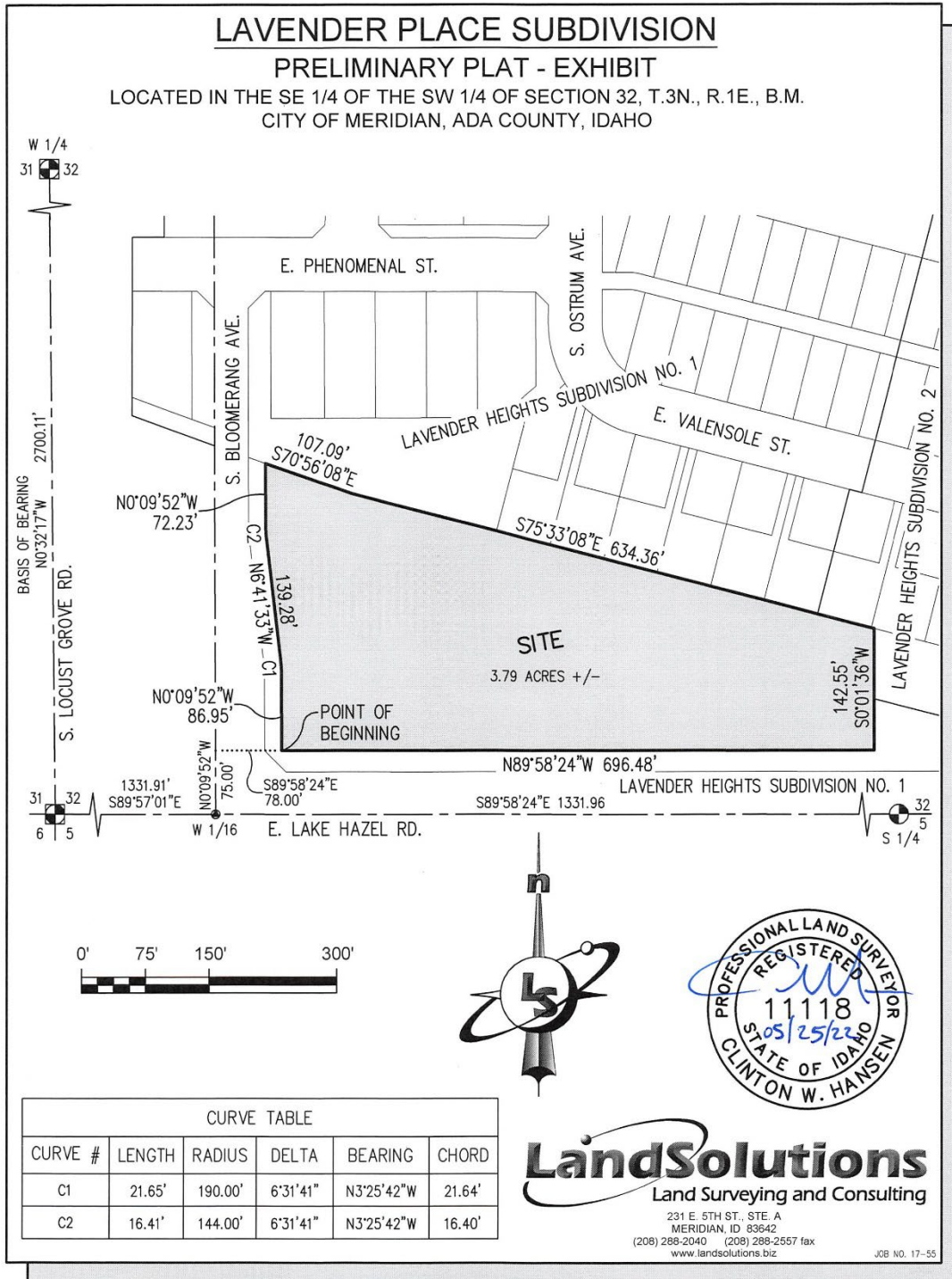
C. The Meridian City Council heard these items on September 6, 2022. At the public hearing, the Council moved to approve the subject Preliminary Plat and Conditional Use Permit requests; the

Private Street and Alternative Compliance requests were approved by the Director.

1. Summary of the City Council public hearing:
 - a. In favor: Taylor Merrill, Developer; Jon Breckon, Applicant Representative.
 - b. In opposition: None
 - c. Commenting: Jon Breckon; Todd McDermott, neighbor.
 - d. Written testimony: David Palumbo (Boise resident) – noted overarching concerns with Meridian development around Amity Road and South Meridian (not specific to this project) and notes a lack of planning foresight in South Meridian overall.
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: Bill Nary, City Attorney
2. Key issue(s) of public testimony:
 - a. Support for the project due to its design and housing type.
3. Key issue(s) of discussion by City Council:
 - a. Parking Alternative and whether Commission recommendation should be upheld to limit number of bedrooms throughout the entire site due to parking constraints of private street and adjacent public roads;
 - b. Private Street design with Common Driveway and overall width of road in relation to potential delivery trucks, large trucks, etc.
 - c. Process of reserving noted spots for residents per Parking Exhibit and ALT request.
4. City Council change(s) to Commission recommendation:
 - a. Strike condition limiting bedroom count and comply with Staff’s recommended ALT provision.

VII. EXHIBITS

A. Preliminary Plat Legal Description and Exhibit Map



Legal Description
Lavender Place Subdivision – Preliminary Plat

A parcel of land located in the SE ½ of the SW ¼ of Section 32, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at an Aluminum Cap monument marking the southwest corner of the SW ¼ of said Section 32, from which an Aluminum cap monument marking the northwest corner of said SW ¼ bears N 0°32'17" W a distance of 2700.11 feet;

Thence S 89°57'01" E along the southerly boundary of said SW ¼ a distance of 1331.91 feet to a 5/8 inch iron pin monument marking the southwest corner of the SE ¼ of said SW ¼;

Thence N 0°09'52" W along the westerly boundary of said SE ¼ of the SW ¼ a distance of 75.00 feet to a point;

Thence leaving said boundary S 89°58'24" E a distance of 78.00 feet to an angle point on the southeasterly boundary of Lavender Heights Subdivision No. 1, as shown in Book 122 of Plats on Pages 19137-19140, records of Ada County, Idaho being the **POINT OF BEGINNING**;

Thence along the boundary of said Lavender Heights Subdivision No. 1 the following courses and distances:

Thence N 0°09'52" W a distance of 86.95 feet to a point of curvature;

Thence a distance of 21.65 feet along the arc of a 190.00 foot radius curve left, said curve having a central angle of 6°31'41" and a long chord bearing N 3°25'42" W a distance of 21.64 feet to a point of tangency;

Thence N 6°41'33" W a distance of 139.28 feet to a point of curvature;

Thence a distance of 16.41 feet along the arc of a 144.00 foot radius curve right, said curve having a central angle of 6°31'41" and a long chord bearing N 3°25'42" W a distance of 16.40 feet to a point of tangency;

Thence N 0°09'52" W a distance of 72.23 feet to a point;

Thence S 70°56'08" E a distance of 107.09 feet to a point;

Thence continuing along the boundary of said Lavender Heights Subdivision No. 1 and extending along the boundary of Lavender Heights Subdivision No. 2, as shown in Book 122 of Plats on Pages 19344-19346, records of Ada County, Idaho S 75°33'08" E a distance of 634.36 feet to an angle point on the westerly boundary of said Lavender Heights Subdivision No. 2;



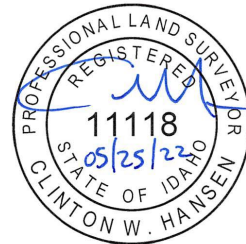
Lavender Place Subdivision
Preliminary Plat
Job No. 17-55
Page 1 of 2

Thence continuing along the boundary of said Lavender Heights Subdivision No. 2 and extending along the boundary of said Lavender Heights Subdivision No. 1 S 0°01'36" W a distance of 142.55 feet to an angle point on the boundary of said Lavender Heights Subdivision No. 1;

Thence along the boundary of said Lavender Heights Subdivision No. 1 N 89°58'24" W a distance of 696.48 feet to the **POINT OF BEGINNING**.

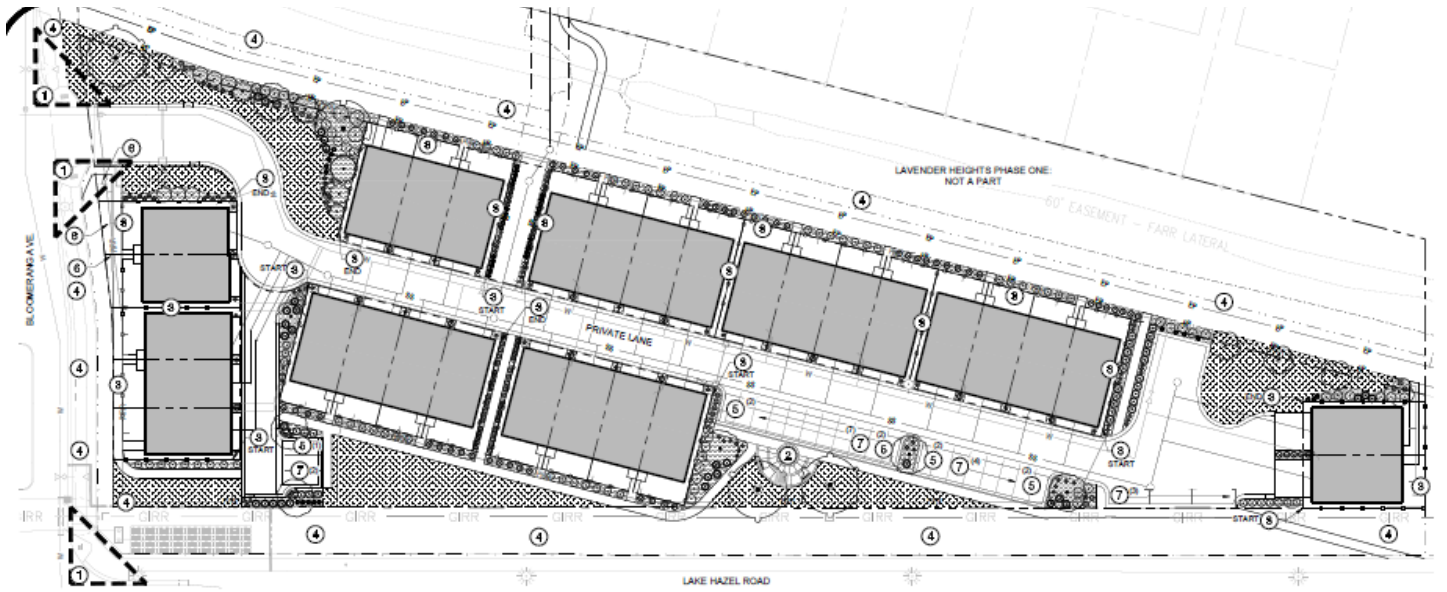
This parcel contains 3.79 acres more or less.


Clinton W. Hansen, PLS
Land Solutions, PC
May 25, 2022



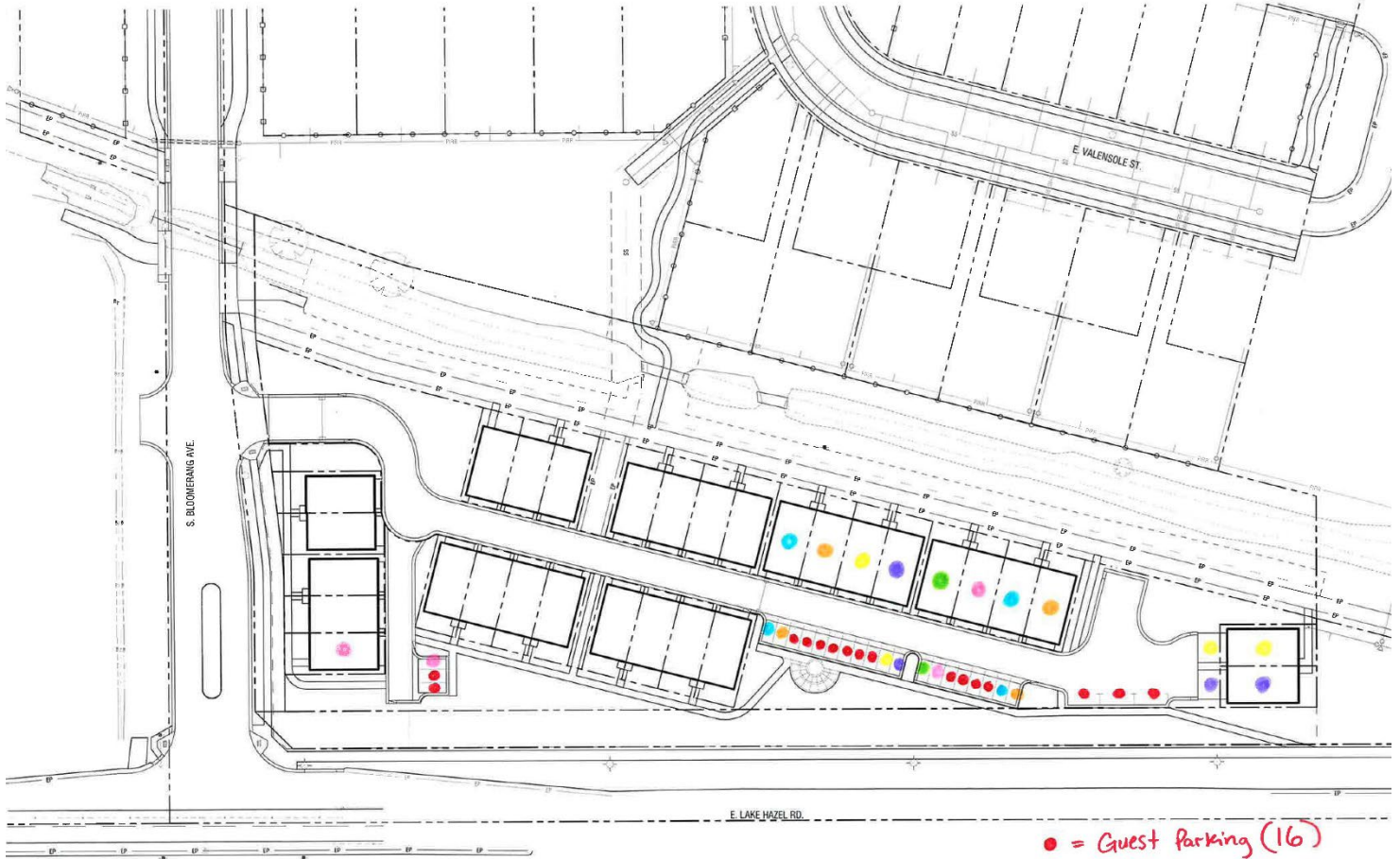
Lavender Place Subdivision
Preliminary Plat
Job No. 17-55
Page 2 of 2





 **PRELIMINARY LANDSCAPE PLAN**
0 10 20 30 40
SCALE: 1" = 20'

D. REVISED Parking Exhibit (~~NOT APPROVED~~):



● = Guest Parking (16)

⬆ LAVENDER PLACE PARKING EXHIBIT
SCALE: 1" = 30'-0"

11 - 3 bedroom units
19 - 2 bedroom units

E. Conceptual Building Elevations



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. The preliminary plat included in Section VII.B, dated ~~March 30~~ August 19, 2022, shall be revised as follows prior to Final Plat submittal ~~the City Council hearing~~:
 - a. ~~Revise the plat to add a new common, micro-path lot between Lots 24 & 25, Block 11 and an additional sidewalk connection near the plaza area for added pedestrian connectivity through the project to the existing arterial sidewalk along E. Lake Hazel Road, per the analysis in Section V.I.~~
 - b. Add an additional common lot solely for the proposed private street per UDC 11-3F-4A and revise plat note #8 to reflect the new common lot.
 - c. ~~Revise the placement and design of the driveways for Lots 32 and 33, Block 11 showing that the distance between the face of garage and the private street is 20' or 5' to help mitigate any conflicts of off street parking and the proposed intersection of the common drive and private street, per the analysis in Section V.G. Parking in front of a garage less than 20 feet deep is prohibited.~~
 - d. ~~Revise the Alternative Compliance Parking Exhibit (Exhibit VII.D) to depict one (1) open parking space per 3 or 4 bedroom unit instead of two (2) consistent with Staff's analysis in Section V.H.~~
 - e. ~~Revise the plat to remove the parking shown within the hammerhead turnaround at the terminus of the private street.~~
2. The landscape plan included in Section VII.C, dated ~~March 30~~ August 22, 2022, is approved as submitted, shall be revised as follows prior to the City Council hearing:
 - a. ~~Revise the landscape plan to match the plat revisions noted in VIII.A1 above.~~
 - b. ~~Add shrubs and other vegetative ground cover adjacent to the recommended new micro-path between Lots 24 & 25, Block 11.~~
3. ~~Future homes within this development shall contain no more than 2 bedrooms per residential unit.~~
4. City Council approved the submitted preliminary plat with a dead end street greater than 500 feet in length (approximately 680 feet), per provisions in UDC 11-6C-3B.4b.
5. Future development shall be consistent with the previous approvals of the subject site: H-2020-0009 (Lavender Heights Subdivision), DA Inst. #2020-106343; and H-2022-0017 (MDA).
6. Future development shall be consistent with the minimum dimensional standards listed in UDC 11-2A-8 for the R-40 zoning district.
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 except for those lots noted within the approved Alternative Compliance request and the attached parking exhibit (Exhibit VII.D); said exhibit shall be strictly adhered to by the Developer/Applicant and shall work with Staff to provide proof that each designated parking space is adequately delineated for each noted unit AND that there is a process in place for future residents to have anyone towed should someone park in a designated spot without permission.
8. The Applicant shall comply with all ACHD conditions of approval.

9. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
10. Prior to the first Final Plat submittal, the Applicant shall obtain Administrative Design Review (DES) approval for the single-family attached and single-family townhomes in this development.
11. Prior to signature on a final plat, the applicant shall submit a public access easement for the multi-use pathway segment along the Farr Lateral to the Planning Division for approval by City Council and subsequent recordation. The easement shall be a minimum of 14' in width (10' pathway and 2' shoulder on each side).
12. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
13. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Flow is committed.
- 1.2 Sewer main and manhole must be centered along easement.
- 1.3 Utility easement not listed on Declaration St. 30' easement required for sewer and water running in parallel.
- 1.4 Per the Pre-application notes, applicant is required to connect to Lake Hazel Road in addition to Bloomerang connection. Connect at the eastern side of the site.
- 1.5 20' easement needed up to water meter vault and past, as space allows.
- 1.6 Due to E. Declaration St being private, streetlighting will be up to the developer.

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-foot wide for a single utility, or 30-foot 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 wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
 - 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 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.22 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=265660&dbid=0&repo=MeridianCity>

D. BOISE PROJECT BOARD OF CONTROL (BPBC)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=266645&dbid=0&repo=MeridianCity>

E. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=266650&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. 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;

City Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies 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;

City 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, City 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;

City 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,

City 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 has offered their support of the proposed development with the proposed road layout in mind.

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

City Council is unaware of any significant natural, scenic or historic features that exist on this site that require preserving.

B. Conditional Use Permit findings:

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

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

City Council finds that the submitted site plan shows compliance with all dimensional and development regulations in the R-40 zoning district in which it resides except for those noted and required to be revised.

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

City Council finds the proposed use of single-family townhome residential is in accord with the comprehensive plan designation of Medium-High Density Residential within the Meridian Comprehensive Plan and the requirements of this title.

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.**

City Council finds the design, construction, and proposed operation and maintenance will be compatible with other uses in the general neighborhood and should not adversely change the essential character of the same area, if all conditions of approval are met.

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

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

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

City Council finds the proposed use will be served adequately by essential public facilities and services if all conditions of approval are met.

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

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

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

Although traffic will slightly increase in the vicinity with the approval of any additional residential units, the proposed layout offers the best opportunity for safe circulation and provides opportunity for a new housing type within this area of the City. Therefore, City Council finds the proposed use will not be detrimental to any persons, property, or the general welfare.

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

The Applicant is preserving the existing Farr Lateral along the north property boundary and no other such features are known; therefore, City Council finds the proposed use should not result in damage of any such features.

C. Private Street Findings:

In order to approve the application, the Director shall find the following:

1. **The design of the private street meets the requirements of this Article;**

The design of the proposed private streets complies with the standards listed in UDC 11-3F-4. See analysis in Section V for more information.

2. Granting approval of the private street would not cause damage hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

Staff does not anticipate the proposed private street would cause any hazard, nuisance or other detriment to persons, property or uses in the vicinity if the street is designed as proposed and constructed in accord with the standards listed in UDC 11-3F-4B.

3. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

The location of the private street does not conflict with the Comprehensive Plan and/or the regional transportation plan as it is proposed to connect to a collector street consistent with private street standards. With the constraints detailed and analyzed for this development, the Director finds that local street access has been provided via a private street.

4. The proposed residential development (if applicable) is a mew or gated development.

Despite a literal mew not being proposed with the Lavender Place project, the proposed residential development depicts all 30 units to front on green space meeting the intent of this standard. If the conditions of approval are adhered to, the Director finds this development in compliance with this finding.

D. Alternative Compliance findings (Common Drive standards UDC 11-6C-3D.1):

The Director has approved your request for alternative compliance to Unified Development Code (UDC) 11-6C-3D.1 for the subject property, based on the required Findings listed in UDC 11-5B-5E, as follows:

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

The Director finds it is feasible to meet the UDC requirement referenced above but it is not the best use of the subject development area as discussed in Section V.G above.

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

The Director finds the Applicant's proposed alternative means of complying with the intent of the UDC as proposed in the attached preliminary plat provides an equal means of meeting the requirement.

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

The Director finds that the alternative means will not be materially detrimental to the public welfare or impair the intended use and/or character of surrounding residential properties nor the adjacent public roads.

E. Alternative Compliance findings (Private Street standards UDC 11-3F-4A.6):

The Director has approved your request for alternative compliance to Unified Development Code (UDC) 11-3F-4A.6 for the subject property, based on the required Findings listed in UDC 11-5B-5E, as follows:

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

The Director finds it is not feasible to meet the UDC requirement to not include a common

drive off of a private street due to the existing requirements of the DA (minimum number of units and only single-family residential) as discussed above in Section V.G above.

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

The Director finds the Applicant's proposed alternative means of complying with the intent of the UDC as proposed in the attached preliminary plat provides an equal means of meeting the requirement.

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

The Director finds that the alternative means will not be materially detrimental to the public welfare or impair the intended use and/or character of surrounding residential properties nor the adjacent public roads.

F. Alternative Compliance findings (Off-Street Parking standards UDC 11-3C-6A):

The Director has approved your request for alternative compliance to Unified Development Code (UDC) 11-3C-6A for the subject property, based on the required Findings listed in UDC 11-5B-5E, as follows:

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

The Director finds it is feasible to meet the UDC requirement for the number of off-street parking spaces if the Applicant was limited to no more than 2-bedroom homes for all units taking access from the alley as noted. Staff is not recommending this but the Council may require it.

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

Per the provisions outlined in code, the Director finds that Staff's revision to the Applicant's proposed alternative compliance request is an equal or superior means for meeting the off-street parking requirements as proposed on the preliminary plat and submitted parking exhibit (Exhibit VII.D above).

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

The Director finds that the alternative means will not be materially detrimental to the public welfare or impair the intended use and/or character of surrounding residential properties if the proposed conditions of approval are maintained.