

EXHIBIT B

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



In the Matter of the Request for a Development Agreement Modification to Enter into a New Development Agreement to Allow Self-Storage, Vehicle and Equipment Rental of Vehicles and Equipment with Outdoor Display, and Ancillary Retail on 6.86 acres in the C-G Zoning District, by Gurnoor Kaur, Amerco Real Estate Company.

Case No(s). H-2021-0101

For the City Council Hearing Date of: February 8, 2022 (Findings on February 22, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of February 8, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of February 8, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of February 8, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of February 8, 2022, 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 February 8, 2022, 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 development agreement modification is hereby approved per the conditions of approval in the Staff Report for the hearing date of February 8, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

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. **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 February 8, 2022

By action of the City Council at its regular meeting held on the 22 day of February, 2022

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

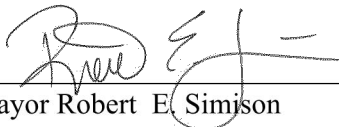
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER TREG BERNT VOTED AYE


COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)




Mayor Robert E. Simison 2-22-2022

Attest:



Chris Johnson 2-22-2022
City Clerk



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

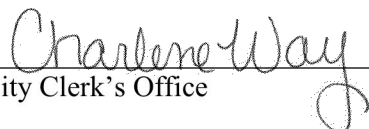
By:  _____ Dated: 2-22-2022
City Clerk's Office

EXHIBIT A

Item #10.

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



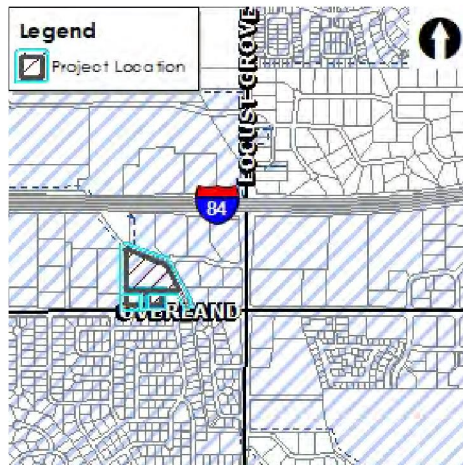
HEARING DATE: 2/8/2022

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner

SUBJECT: H-2021-0101
Meridian U-Haul Moving and Storage

LOCATION: 1230 and 1270 E. Overland Rd. and Parcel # R8257510015, at the northwest corner of E. Overland Rd and S. Locust Grove Rd.



I. PROJECT DESCRIPTION

Request for a Development Agreement Modification to enter into a new development agreement to allow self-storage, vehicle and equipment rental of vehicles and equipment with outdoor display, and ancillary retail on 6.86 acres in the C-G zoning district, by Gurnoor Kaur, Amerco Real Estate Company. A conditional use permit is being processed concurrently with this request.

II. APPLICANT INFORMATION

- A. Applicant / Representative:
Gurnoor Kaur, Amerco Real Estate – 2727 N. Central Ave, Ste 500, Phoenix, AZ, 85004
- B. Owner:
Adler AB Owner I, LLC – 8665 W. Emerald St. Ste 200, Boise, ID, 83704

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	1/18/2022	
Notification mailed to property owners within 300'	1/14/2022	
Applicant posted public hearing notice sign on site	1/28/2022	
Nextdoor posting	1/14/2022	

IV. BACKGROUND

This is a proposal for a development agreement modification to allow self-storage, rental and outdoor display of vehicles and equipment, and ancillary retail to allow a U-Haul business. A conditional use is being processed concurrently with this request through the Planning Commission.

The property consists of three lots totaling 6.86 acres. It was annexed into the City in 1999 as the Overland Storage Annexation (AZ-99-018, DA Instr. # 100029704, Preliminary Plat PP-99-015). The development agreement allows only the construction, development and use of a self-service storage facility consisting of eight buildings of various sizes and one caretaker unit pursuant a conditional use permit. A Conditional Use Permit (CUP-99-033) was approved for this use in October of 1999 and a final plat was recorded in 2002 (Pack it Up Subdivision, FP-00-005). There was also a parcel boundary adjustment approved in 2021 to allow consolidation of properties (PBA 2020-0006). The approved self-storage facility was never developed.

Staff and the applicant have had numerous discussions regarding the location of a new facility, and due to the location, surrounding uses, and C-G zoning this particular location was selected. However, in addition to self-storage, as is typical for a U-Haul facility, the applicant intends to display U-Haul trucks and equipment for rental. A conditional use permit is required for these uses in the C-G zone district. As the existing development agreement is very specific to allowed uses, the applicant is also pursuing a request through the City Council for a development agreement modification to allow the outdoor display and ancillary retail.

V. ANALYSIS

Existing Development Agreement

Section 4.1 (Uses Permitted by This Agreement) of the Overland Storage Development Agreement reads as follows:

“The construction, development, use, and maintenance of a ministorage facility consisting of eight buildings of various sizes and one caretaker unit which development shall be pursuant to the City's Planned Unit Development procedures and pursuant to the conditional use permit process, in which process conditions shall be provided for but are herein not limited to landscape/common area requirements, right-of-way dedication prior to submitting for building permits, signage restrictions, and bike lanes.”

Section 6.1.1 (Conditions Governing Development of the Subject Property) lists the same allowance, with the clarification that “ministorage buildings of various sizes not to exceed 80,430 sq. ft. in total” are allowed.

The applicant proposes to modify Section 4.1 as such:

“The uses allowed pursuant to this Agreement are those uses allowed under City’s Zoning Ordinance ___ codified at Section 11-2B-2 and Complied Ordinances of the City of Meridian and further limited to:

The construction, development, use, and maintenance of a ministorage facility consisting of **at least** eight buildings of various sizes; a caretaker unit, **an interior climatized self-service storage facility with a related retail sales showroom, outside self-storage facility, a warehouse and, vehicle (truck and trailer) rentals with outdoor display;** which development shall be pursuant to the City's Planned Unit Development procedures and pursuant to the conditional use permit process, in which process conditions shall be provided for but are herein not limited to landscape/common area requirements, right-of-dedication prior to submitting for building permits, signage restrictions, and bike lanes.”

Staff Response:

Staff notes the C-G zoning district allows vehicle sales, rental and service as a principally permitted use, equipment rental, sales and service, and self-storage facilities by conditional use, and warehousing and outdoor storage as an accessory use. Staff believes the simplest method to achieve the applicant’s intent is to terminate the existing development agreement and enter into a new development agreement that requires compliance with the submitted site plan, landscape plan and building elevations.

VI. DECISION

A. Staff:

Staff recommends the City Council approve termination of the Overland Storage Development Agreement (Instr. # 100029704) and establishment of a new development agreement to include the following provisions:

- 1. Future development of the site shall comply with the site plan, landscape plan and conceptual building elevations for the self-storage and rental facility included in Section VII. and the provisions contained herein.
- 2. Uses on the property shall conform with the uses codified in UDC Table 11-2B-2 and the specific use standards set forth in UDC 11-4.

B. The Meridian City Council heard this item on February 8, 2022. At the public hearing, the Council moved to approve the subject development agreement modification request.

- 1. Summary of the City Council public hearing:
 - a. In favor: Gurnoor Kaur
 - b. In opposition: None
 - c. Commenting: Gurnoor Kaur
 - d. Written testimony: None
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: None
- 2. Key issue(s) of public testimony:
 - a. None
- 3. Key issue(s) of discussion by City Council:
 - a. None
- 4. City Council change(s) to Commission recommendation:
 - a. None

VII. EXHIBITS

A. Development Agreement Legal Description and Exhibit Map (date: 10/1/2021)

PARCEL I:

LOT 1 IN BLOCK 1 OF PACK IT UP SUBDIVISION, ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 84 OF PLATS AT PAGES 9360 AND 9361, RECORDS OF ADA COUNTY, IDAHO.

PARCEL II:

A PARCEL OF LAND BEING ALL OF LOT 3, AND A PORTION OF LOT 2 IN BLOCK 1 OF PACK IT UP SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, ADA COUNTY, IDAHO, AND ALSO SHOWN AS PARCEL "B" ON RECORD OF SURVEY NO. 6228, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 18, FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION BEARS SOUTH 89°44'18" WEST, 2649.09 FEET, THENCE

SOUTH 89°44'18" WEST ALONG THE SOUTH BOUNDARY OF SAID SECTION 18 AND THE CENTERLINE OF WEST OVERLAND ROAD FOR A DISTANCE OF 1097.27 FEET; THENCE LEAVING SAID BOUNDARY AND CENTERLINE NORTH 00°28'51" EAST FOR A DISTANCE OF 48.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST OVERLAND ROAD AND THE SOUTHWEST CORNER OF LOT 3 BLOCK 1 OF PACK IT UP SUBDIVISION, BEING THE REAL POINT OF BEGINNING; THENCE

NORTH 00°28'51" EAST ALONG THE WEST BOUNDARY OF SAID LOT 3 EXTENDED FOR A DISTANCE OF 165.40 FEET; THENCE

SOUTH 89°31'09" EAST FOR A DISTANCE OF 195.56 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE

SOUTH 00°28'51" WEST ALONG THE EAST BOUNDARY OF SAID LOT 3 FOR A DISTANCE OF 162.87 FEET; THENCE

SOUTH 89°44'18" WEST ALONG THE SOUTH BOUNDARY OF SAID LOT 3 FOR A DISTANCE OF 195.57 FEET TO THE REAL POINT OF BEGINNING.

PARCEL III:

A PARCEL OF LAND BEING LOT 1, BLOCK 1, OF SWINDELL SUBDIVISION, A RECORDED SUBDIVISION ON FILE IN BOOK 113 OF PLATS AT PAGES 16506 THROUGH 16510, RECORDS OF ADA COUNTY, IDAHO, AND A PORTION OF LOT 2, BLOCK 1, OF PACK IT UP SUBDIVISION, A RECORDED SUBDIVISION ON FILE IN BOOK 84 OF PLATS AT PAGES 9360 AND 9361, RECORDS OF ADA COUNTY, IDAHO, SITUATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 1 EAST, BOISE MERIDIAN, CITY OF MERIDIAN, ADA COUNTY, IDAHO, AND AS SHOWN ON RECORD OF SURVEY INSTRUMENT NUMBER 2020-172777, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT 1, BLOCK 1, OF SWINDELL SUBDIVISION;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID LOT 1 NORTH 29°04'02" WEST 183.41 FEET TO THE SOUTHERLY BOUNDARY OF SAID LOT 2, BLOCK 1, OF PACK IT UP SUBDIVISION;

THENCE LEAVING SAID WESTERLY BOUNDARY AND ALONG SAID SOUTHERLY BOUNDARY AND THE WESTERLY EXTENSION THEREOF NORTH 89°32'27" WEST 358.06 FEET;

THENCE SOUTH 0°27'33" WEST 165.40 FEET TO THE NORTHERLY RIGHT-OF-WAY OF OVERLAND ROAD;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY SOUTH 89°43'00" WEST 30.00 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND ALONG SAID SOUTHERLY BOUNDARY OF LOT 2 NORTH 0°27'33" EAST 165.79 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY NORTH 89°32'27" WEST 209.44 FEET TO THE WESTERLY BOUNDARY OF SAID LOT 2;

THENCE LEAVING SAID SOUTHERLY BOUNDARY AND ALONG SAID WESTERLY BOUNDARY NORTH 0°27'33" EAST 483.50 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 2;

THENCE LEAVING SAID WESTERLY BOUNDARY AND ALONG SAID NORTHERLY BOUNDARY NORTH 51°25'14" EAST 21.83 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY BOUNDARY SOUTH 68°23'15" EAST 410.39 FEET TO THE NORTHERLY BOUNDARY OF SAID LOT 1, BLOCK 1, OF SWINDELL SUBDIVISION;

THENCE LEAVING SAID NORTHERLY BOUNDARY OF LOT 2 AND ALONG SAID NORTHERLY BOUNDARY OF LOT 1 SOUTH 84°24'55" EAST 51.53 FEET TO THE WESTERLY RIGHT-OF-WAY OF LABRADOR WAY;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY THE FOLLOWING 6 COURSES:

ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT 75.64 FEET, SAID CURVE HAVING A RADIUS OF 62.00 FEET; A CENTRAL ANGLE OF 69°53'57", AND A CHORD BEARING SOUTH 29°20'13" EAST 71.03 FEET;

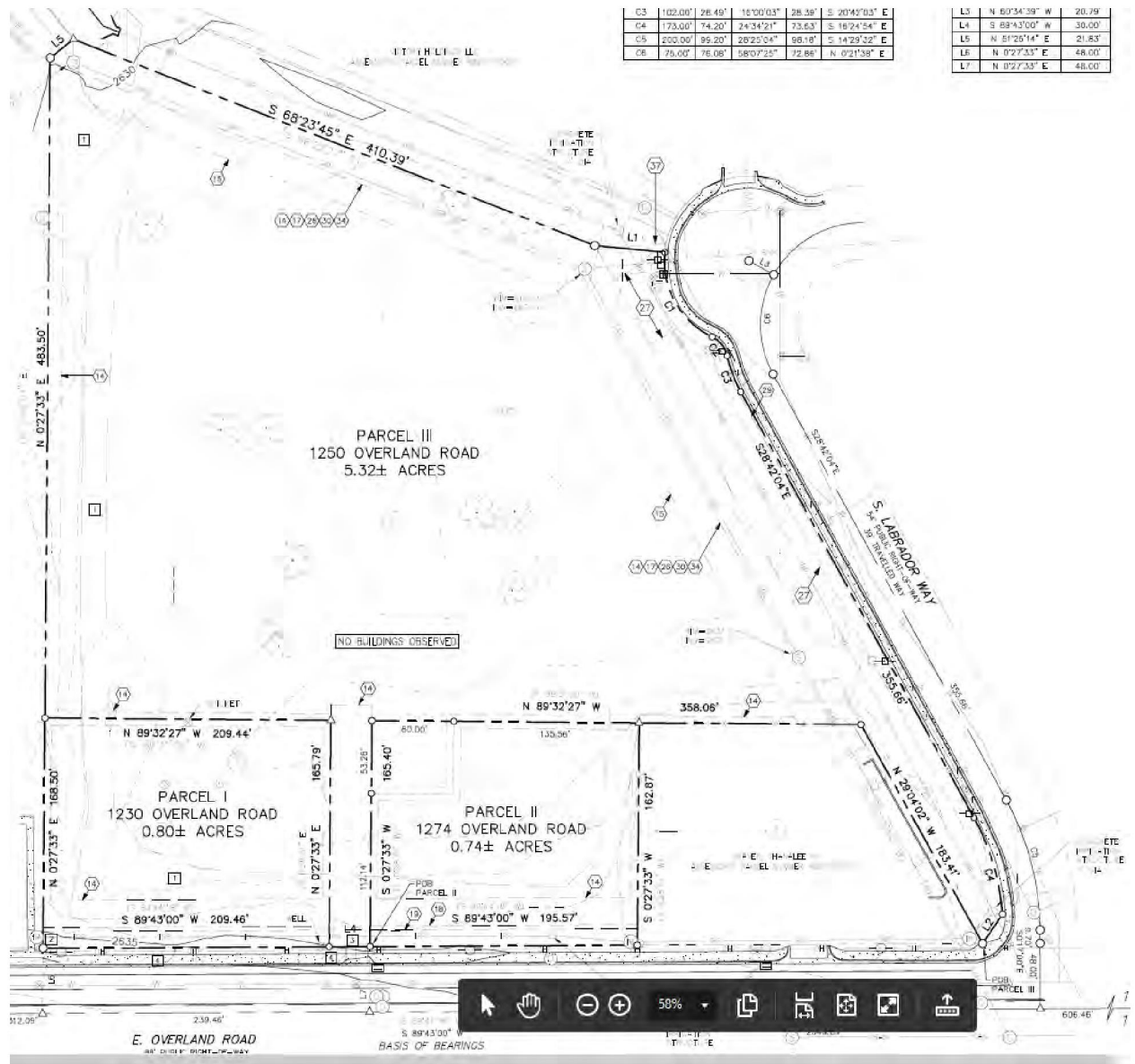
THENCE ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT 18.01 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET; A CENTRAL ANGLE OF 51°35'10", AND A CHORD BEARING SOUTH 38°29'37" EAST 17.40 FEET;

THENCE ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT 28.49 FEET, SAID CURVE HAVING A RADIUS OF 102.00 FEET; A CENTRAL ANGLE OF 16°00'03", AND A CHORD BEARING SOUTH 20°42'03" EAST 28.39 FEET;

THENCE SOUTH 28°42'04" EAST 355.66 FEET;

THENCE ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT 74.20 FEET, SAID CURVE HAVING A RADIUS OF 173.00 FEET A CENTRAL ANGLE OF 24°34'21", AND A CHORD BEARING SOUTH 16°24'54" EAST 73.63 FEET;

THENCE SOUTH 34°07'17" WEST 25.82 FEET TO THE POINT OF BEGINNING.



B. Existing Development Agreement Language

USES PERMITTED BY THIS AGREEMENT:

4.1 The uses allowed pursuant to this Agreement are those uses allowed under “City”’s Zoning Ordinance __ codified at Section 11-2-408 B 11 Revised and Complied Ordinances of the City of Meridian and further limited to:

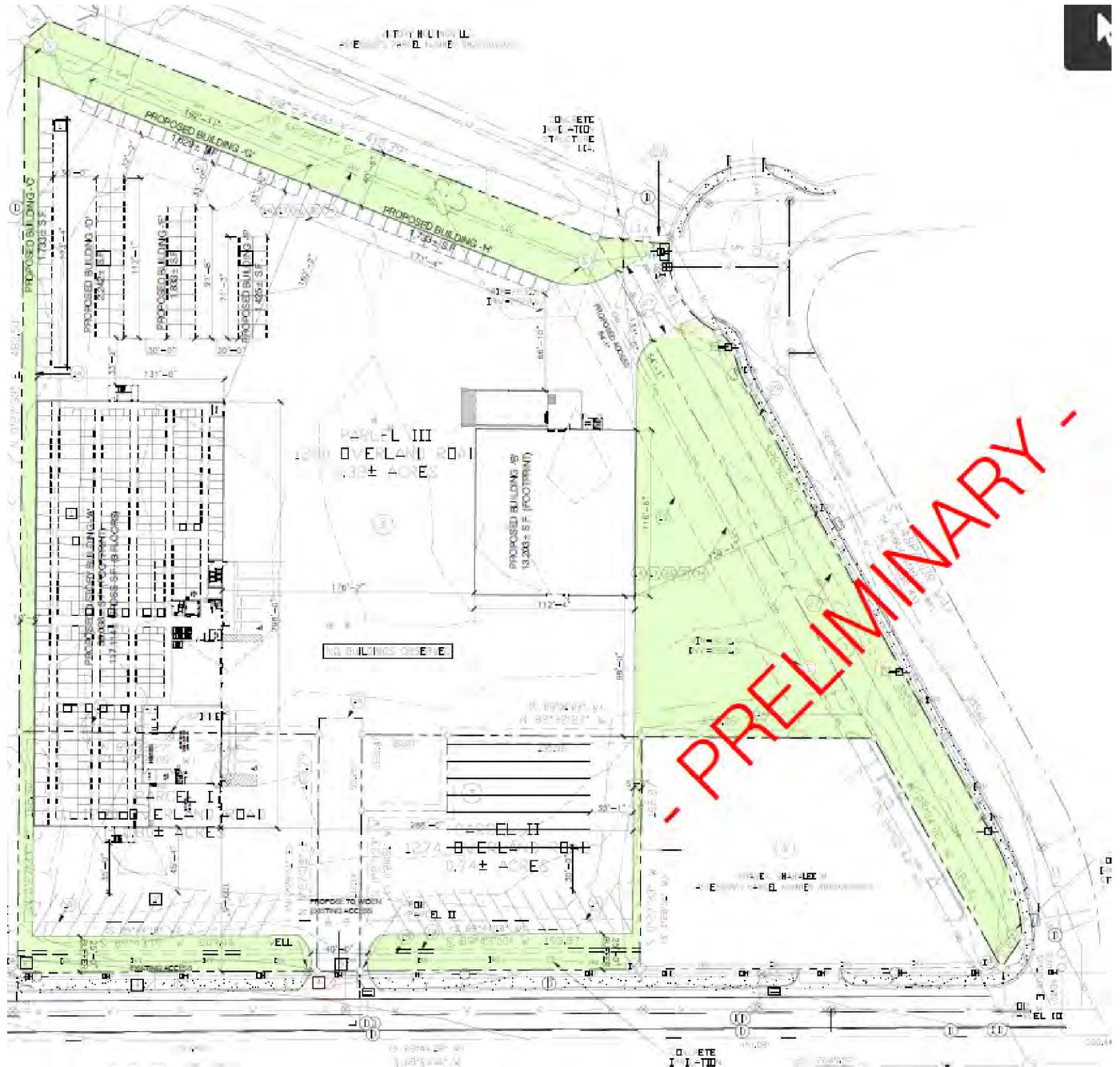
The construction, development, use, and maintenance of a ministorage facility consisting of eight buildings of various sizes and one caretaker unit which development shall be pursuant to the City’s Planned Unit Development procedures and pursuant to the conditional use permit process, in which process conditions shall be provided for but are herein not limited to landscape/common area requirements, right-of-way dedication prior to submitting for building permits, signage restrictions, and bike lanes.

6. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

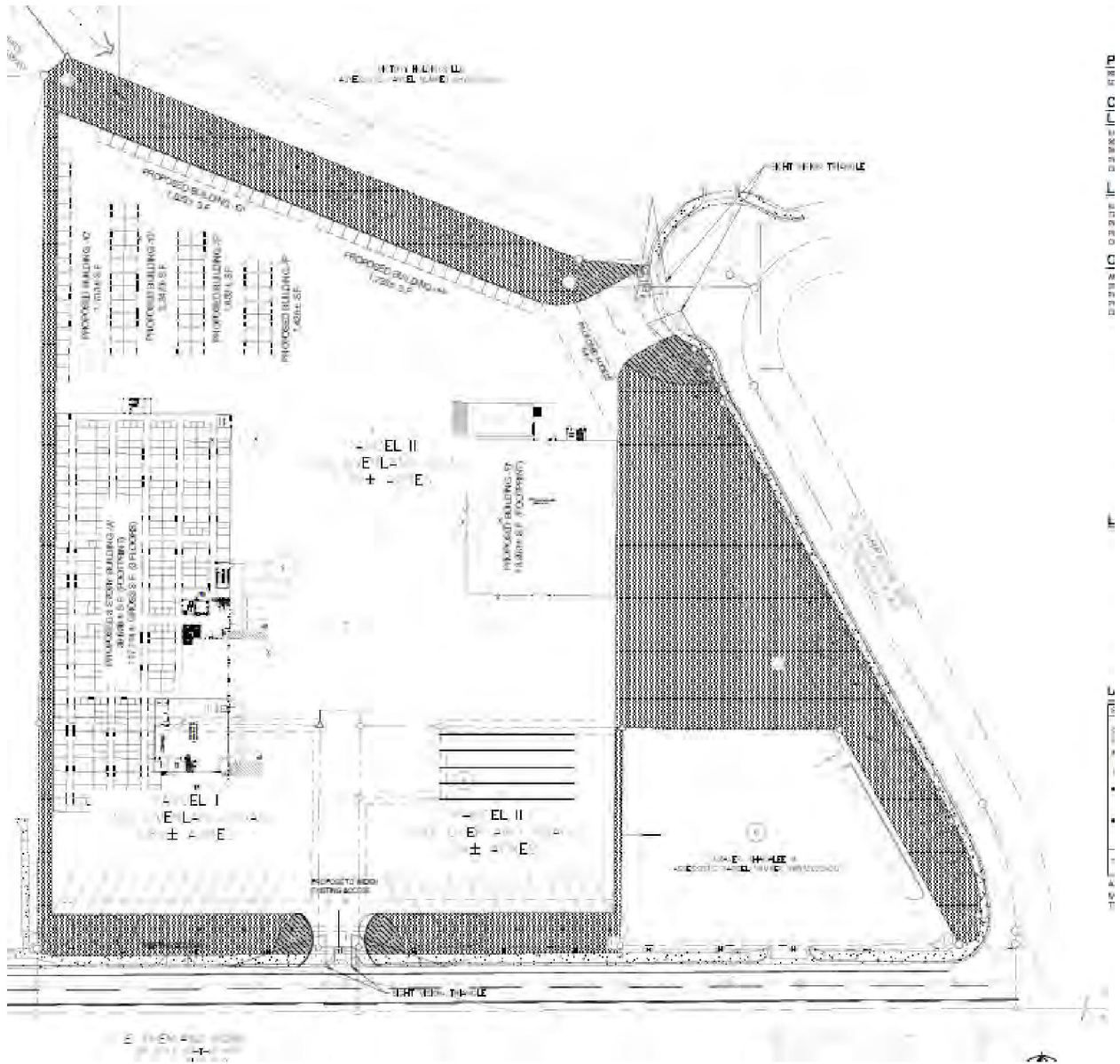
6.1 “Developer” shall develop the “Property” in accordance with the following special conditions:

6.1.1 The construction, development, use, and maintenance of a ministorage facility consisting of ministorage buildings of various sizes not to exceed 80,430 square feet in total of all such buildings and one caretaker unit which development shall be pursuant to the City’s Planned Unit Development procedures and pursuant to the conditional use permit process, in which process conditions shall be provided for but are herein not limited to landscape/common area requirements, right-of-way dedication prior to submitting for building permits, signage restrictions, and bike lanes.

C. Site Plan / Landscape Plan (date: 8/12/2021)



D. Landscape Plan (date: November 12, 20210)



E. Building Elevations (date: 6/1/2021)



1230-1230 E. Overland Rd. Meridian, ID 83042



EAST ELEVATION: BUILDING A
Scale: 1" = 25'



SOUTH ELEVATION: BUILDING A
Scale: 1" = 25'



NORTH ELEVATION: BUILDING A
Scale: 1" = 25'



WEST ELEVATION: BUILDING A
Scale: 1" = 25'

Item #10.



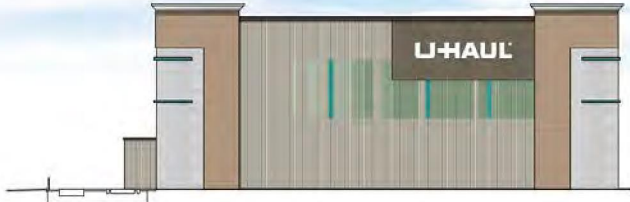
SOUTH ELEVATION: BUILDING B
Scale: 1" = 20'



EAST ELEVATION: BUILDING B
Scale: 1" = 20'



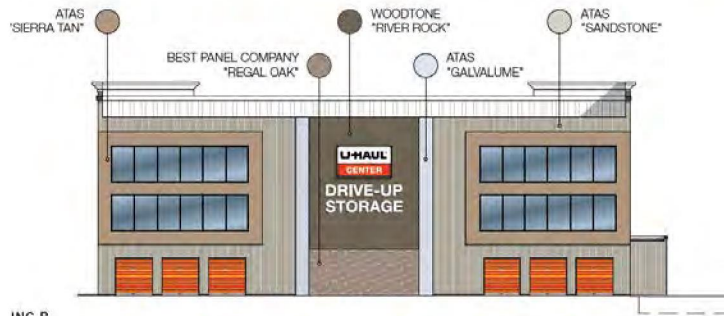
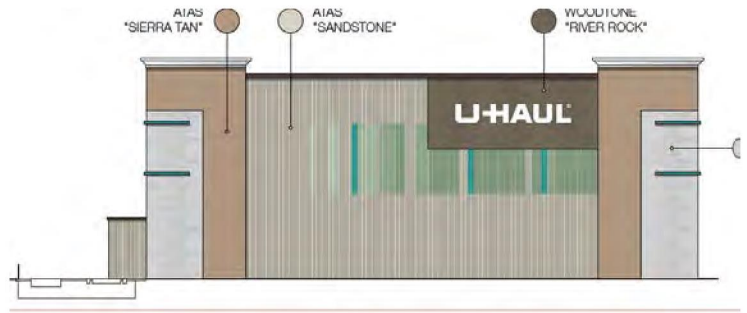
NORTH ELEVATION: BUILDING B
Scale: 1" = 20'



WEST ELEVATION: BUILDING B
Scale: 1" = 20'



.DING B



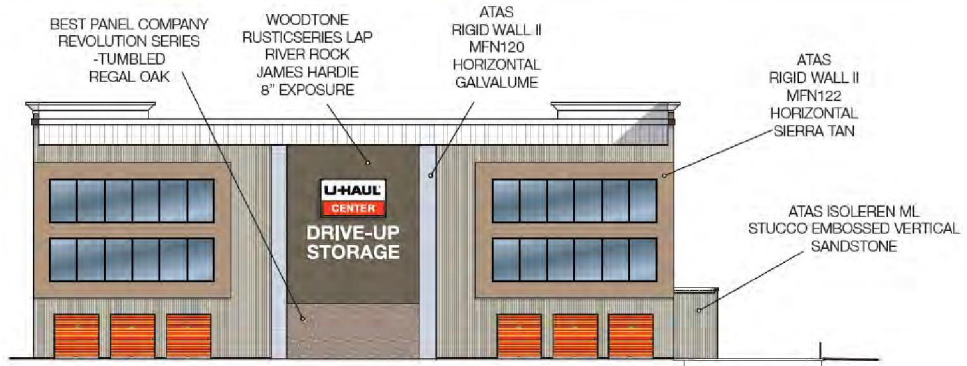
ING B



Item #10.



SOUTH ELEVATION: BUILDING B
Scale: 1/16" = 1'



EAST ELEVATION: BUILDING B
Scale: 1/16" = 1'