

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



Date of Order: November 3, 2022
Case No.: H-2022-0069
Applicant: Meridian CenterCal, LLC
In the Matter of: Request for a conditional use permit to exceed the maximum building height delineated in Unified Development Code section 11-2B-3A of 65 feet for the C-G zoning district

Pursuant to testimony and evidence received regarding this matter at the public hearing before the Planning and Zoning Commission of the City of Meridian (“Commission”) on October 20, 2022, as to this matter, the Commission enters the following findings of fact, conclusions of law, decision, and order.

A. Findings of Fact.

1. The facts pertaining to the Applicant’s property, the Applicant’s request, and the process are set forth in the staff report for Case No. H-2022-0069, which is incorporated herein by reference.
2. Pursuant to Unified Development Code (“UDC”) section 11-2B-3A and Table 11-2B-3, the maximum building height in the C-G zoning district is 65 feet, but additional height may be approved through the City’s alternative compliance procedures, by adding additional open space, or via a conditional use permit.
3. The Applicant proposes to construct a multi-story building (“Project”) in the C-G zoning district with an average elevation of 78 feet and a high point of 85 feet.
4. The Applicant is requesting a conditional use permit to exceed the maximum building height delineated in the UDC.
5. The Commission held a public hearing on October 20, 2022, concerning the Applicant’s request for a conditional use permit.
6. The Applicant failed to show that the height of the Project is compatible with the existing character of the general vicinity, including, but not limited to, other residential projects in the general vicinity and other buildings within The Village at Meridian.
7. If granted, the conditional use permit would enable the Applicant to construct more residential units than would otherwise be feasible, which would, in turn, generate additional parking demand; the Applicant failed to show how the additional parking demand would impact existing parking at The Village at Meridian.

8. Based on the foregoing, the Commission is unable to make a finding that the Project is compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity.

B. Conclusions of law.

1. The Commission takes judicial notice of the UDC; the City of Meridian Comprehensive Plan; and all current zoning maps.
2. The Commission takes judicial notice of the Local Land Use Planning Act (“LLUPA”), codified at Chapter 65, Title 67, Idaho Code.
3. When considering a request for a conditional use permit, the Commission shall base its decision on certain factors, including whether “the design, construction, operation and maintenance [of the proposed project] 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.” UDC § 11-5B-6(E)(3).

C. Order. Pursuant to the above findings of fact and conclusions of law, the Commission hereby denies the Applicant’s request for a conditional use permit because the Commission is unable to make the finding that the Project is compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity.

D. Final decision. Upon approval by majority vote, this is a final decision of the Commission.

E. Judicial review. Pursuant to Idaho Code section 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code section 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting review by the City Council of the City of Meridian as provided by UDC section 11-5A-7, seek judicial review of this final decision as provided by Chapter 52, Title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.

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

IT IS SO ORDERED by the Planning and Zoning Commission of the City of Meridian, Idaho, on this 3rd day of November, 2022.

Andrew Seal, Chairperson

Attest:

Joy Hall, Deputy City Clerk