

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



In the Matter of the Request for City Council Review of the Planning Director's Decision on the administrative application (A-2022-0232) to restrict the Franklin Road access to emergency access only, by Hillside Architecture, Pllc.

Case No(s). CR-2022-0008

For the City Council Hearing Date of: February 14, 2023 (Findings on March 7, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Memorandum for the hearing date of **February 14, 2023**, incorporated by reference)
2. Process Facts (see attached Staff Memorandum for the hearing date of **February 14, 2023**, incorporated by reference)
3. Application and Property Facts (see attached Staff Memorandum for the hearing date of **February 14, 2023**, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Memorandum for the hearing date of **February 14, 2023**, 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. That the City has ruled in favor of the Director in accordance with the Staff Memorandum, which was reviewed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Fire Department, and any affected party requesting notice.
6. That this decision upheld the Director's decision of the emergency access set forth in UDC 11-3A-3A.2 that applies to the subject property in the memorandum for the hearing date of February 14, 2023, incorporated by reference.

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 Director's Decision regarding the emergency access set forth in UDC 11-3A-3A.2 is hereby upheld per the Staff Memorandum for the hearing date of February 14, 2023, based on the following reasons:
 - The Council Review of the request was to determine if granting full access off of Franklin Road for the subject property would be nondetrimental to ensure that motorists can safely enter/exit on the arterial street; and
 - The City Council agrees with the Director's decision on the administrative application (A-2022-0232) to restrict the Franklin Road access to emergency access only as referenced in the Staff Memorandum.

F. Notice of Right to Regulatory Takings Analysis

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

G. Attached: Staff Memorandum for the hearing date of February 14, 2023

By action of the City Council at its regular meeting held on the _____ day of _____, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED _____

COUNCIL VICE PRESIDENT JOE BORTON VOTED _____

COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER LIZ STRADER VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

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

By: _____ Dated: _____
City Clerk's Office



Mayor Robert E. Simison

City Council Members:

Treg Bernt
Joe Borton
Luke Cavener

Brad Hoaglund
Jessica Perreault
Liz Strader

February 14, 2023

MEMORANDUM

TO: Mayor & City Council

CC: City Clerk, City Attorney

FROM: Stacy Hersh, Associate Planner

RE: U-Haul Franklin – CR-2022-0008

History: The Planning Director approved a Certificate of Zoning Compliance and Design Review (A-2022-0232) for the 11,204 square foot U-Haul U-Box Storage Building in the I-L zoning district on December 13, 2022. A Certificate of Zoning Compliance and Design Review (A-2022-0116) was approved by the Planning Director to construct a 126,350 square foot U-Haul Store including indoor self-storage for this site on August 30, 2022. Per the conditions of approval, the existing curb cut on Franklin Road is to function as a gated emergency access only. An existing shared driveway approximately 200 feet to the west is the main access to the U-Haul site in accord with UDC [11-3A-3](#), unless otherwise waived by City Council.

Unified Development Code: Per UDC [11-3A-3A.2](#), access to a local street is not available, the property owner shall be required to grant cross-access/ingress-egress easements to adjoining properties unless otherwise waived by City Council. Access is available via a shared driveway along the site's western boundary from W. Franklin Road. Access to NW 10th Street cannot be obtained because there isn't adequate distance from the intersection to allow local street access due to ACHD policy. Therefore, a viable local street access is not available.

Noticing:

	City Council Posting Date
Newspaper Notification	1/29/2023
Radius notification mailed to properties within 500 feet	1/26/2023

Site Posting Date

2/3/2023

Next Door posting

1/30/2023

Request: The Applicant has submitted a [request](#) for City Council review of the Director's decision to allow full access in lieu of emergency access only, via W. Franklin Avenue, as shown on the site plan below.

