

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



In the Matter of the Request for Rezone of 0.60 acres of land from the C-C zoning district to the O-T zoning district for the purpose of remodeling the existing detached garage and transitioning the property's current existing single-family detached residential use from non-conforming to conforming, by Tammy Petsche.

Case No(s). H-2023-0039

For the City Council Hearing Date of: October 17, 2023 (Findings on October 24, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of October 17, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of October 17, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of October 17, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of October 17, 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. 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 October 17, 2023, 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 Rezone is hereby approved per the conditions of approval in the Staff Report for the hearing date of October 17, 2023, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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

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

or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

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

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

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

E. Judicial Review

Pursuant to Idaho Code § 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code § 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 reconsideration of this final decision as provided by Meridian City Code § 1-7-10, 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 §§ 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 Report for the hearing date of October 17, 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

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



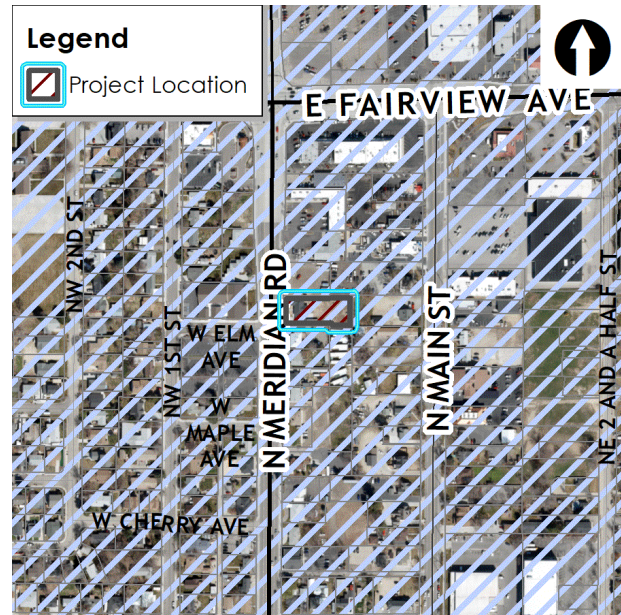
HEARING DATE: October 17, 2023

TO: Mayor and City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: Petsche Rezone
[H-2023-0039](#)

LOCATION: 1508 N. Meridian Road (Parcel #R6129020611)



I. PROJECT DESCRIPTION

Request to rezone 0.60 acres of land from the C-C zoning district to the O-T zoning district for the purpose of remodeling the existing detached garage and transitioning the property's current existing single-family detached residential use from non-conforming to conforming.

A. Project Summary

Description	Details	Page
Acreage	Rezone - 0.60	
Future Land Use Designation	Old Town	
Existing Land Use(s)	Single-family residential	
Proposed Land Use(s)	Single-family residential	
Lots (# and type; bldg./common)	1 lot	
Phasing Plan (# of phases)	NA	
Physical Features (waterways, hazards, flood plain, hillside)	No unique physical features	
Neighborhood meeting date; # of attendees:	June 13, 2023	
History (previous approvals)	None	

EXHIBIT A

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access occurs from N. Meridian Road	
Stub Street/Interconnectivity/Cross Access		
Existing Road Network		
Existing Arterial Sidewalks / Buffers		
Proposed Road Improvements	No road improvements are required.	
Fire Service	No comments	
Police Service	No comments	
Wastewater		
• Comments	• No changes to public sewer infrastructure shown in records. Any changes need to be approved by public works.	
Water		
Distance to Water Services	• No changes to public water infrastructure shown in records. Any changes need to be approved by public works.	

C. Project Area Maps

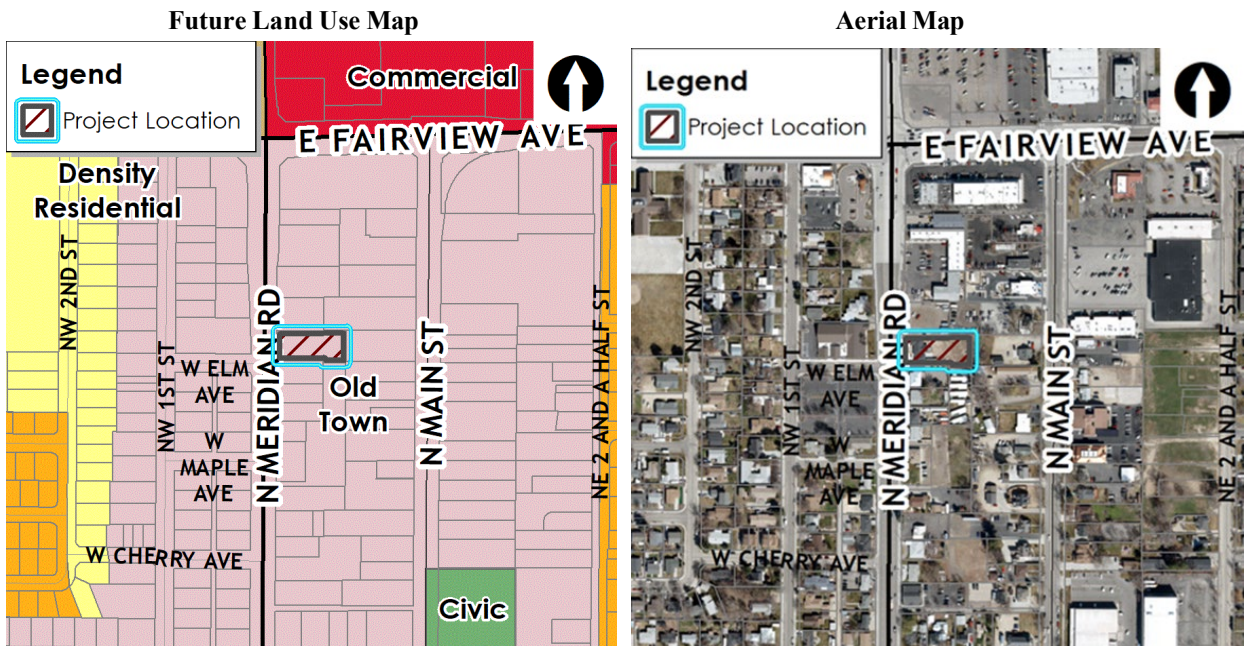
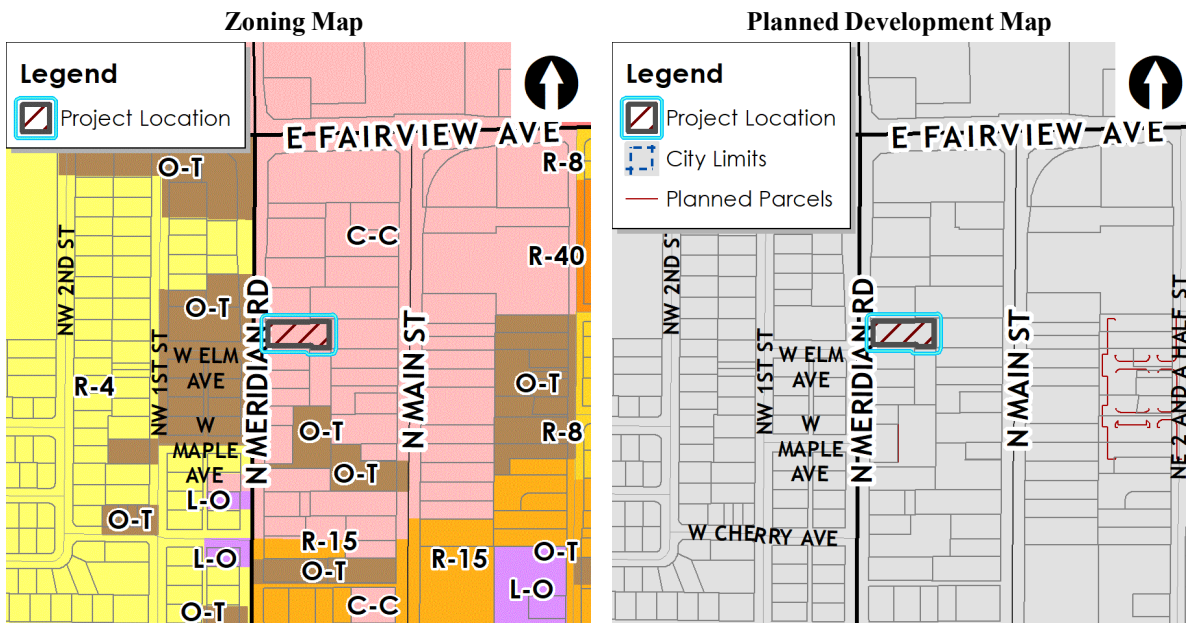


EXHIBIT A



II. APPLICANT INFORMATION

A. Applicant:

Tammy Petsche, Owner – 3554 E. Presidential Drive, Meridian, ID 83642

B. Owner:

Same as above.

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	9/05/2023	10/01/2023
Radius notification mailed to properties within 500 feet	8/31/2023	9/29/2023
Sign Posting	9/10/2023	10/5/2023
Nextdoor posting	9/5/2023	9/28/2023

IV. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPLAN](https://www.meridiancity.org/complan)):

Land Use:

This property is designated Old Town (O-T) on the Future Land Use Map (FLUM).

This designation includes the historic downtown and the true community center. The boundary of the Old Town district predominantly follows Meridian’s historic plat boundaries. In several areas, both sides of a street were incorporated into the boundary to encourage similar uses and complimentary design of the facing houses and buildings. Sample uses include offices, retail and lodging, theatres, restaurants, and service retail for surrounding residents and visitors. A variety of residential uses are also envisioned and could include reuse of existing buildings, new construction of multi-family residential over ground floor retail or office uses.

EXHIBIT A

Proposed Use: The purpose of the request for rezoning is to facilitate the renovation of the existing detached garage while retaining the property's current residential use. Furthermore, rezoning to O-T would allow the Applicant to submit building permit applications for constructing a new building and making structural modifications to the existing building without obtaining a Conditional Use Permit for each proposed improvement to the site. A single-family detached dwelling unit is considered a non-conforming use in the C-C zoning district per UDC Table 11-2B-2. The Applicant intends to retain the existing home while renovating the old detached garage situated behind the home. Additionally, the Applicant has future plans to potentially construct an Accessory Dwelling Unit or Live/Work structure at a later date.

COMPREHENSIVE PLAN POLICIES (<https://www.meridiancity.org/compplan>):

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- Encourage diverse housing options suitable for various income levels, household sizes, and lifestyle preferences. (2.01.01)

This application is for rezoning from C-C to O-T to allow the Applicant to remodel the existing garage and maintain the existing home as a conforming residential use. This would allow for more diversity in housing within the area.

- Maintain a range of residential land use designations that allow diverse lot sizes, housing types, and densities. (2.01.01C)

The existing home contributes to the diversity in lot sizes, housing types, and densities within the surrounding area.

- Encourage the development of high quality, dense residential and mixed-use areas near in and around Downtown, near employment, large shopping centers, public open spaces and parks, and along major transportation corridors, as shown on the Future Land Use Map. (2.02.01E)

The subject property is an existing site situated near the downtown core. It falls within a large area that is designated for Old Town zoning as outlined by the Comprehensive Plan near N. Meridian Rd., a principal arterial, and is within walking distance of a large amount of goods, services, and employment.

- Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development. and densities. (3.03.03A)

This project is currently serviced by City of Meridian water and sewer.

Based on the analysis above, staff finds the proposed development is consistent with the Comprehensive Plan.

V. UNIFIED DEVELOPMENT CODE ([UDC](#))

The proposed use, single-family detached dwelling unit is listed as a principally permitted use in the O-T (Old Town) zoning district per UDC Table [11-2C-2](#). Compliance with the standards listed in UDC [11-2D-3](#) and [11-2D-4](#) is required.

VI. STAFF ANALYSIS

Rezone (RZ):

The Applicant is requesting to rezone 0.60 acres of land from the C-C zoning district to the O-T zoning district for the purpose of remodeling the existing detached garage and transitioning the property's current existing single-family detached residential use from non-conforming to conforming. A legal description and exhibit map for the rezone area is included in Section VIII.A. This property is within the City's Area of City Impact boundary.

The City may require a development agreement (DA) in conjunction with a rezone pursuant to Idaho Code section 67-6511A. The City may require a development agreement (DA) in conjunction with a rezone pursuant to Idaho Code section 67-6511A. To ensure future development is consistent with the Comprehensive Plan and with the development plan proposed with this application, Staff recommends a DA is required with this application, containing the provisions noted in Section IX., as discussed herein.

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

There are no minimum setbacks in the O-T zoning district. The existing home meets all dimensional standards for the O-T zoning district.

Access ([UDC 11-3A-3](#)):

Access is provided via N. Meridian Road, an arterial street, via a fully improved "U" shaped driveway. This driveway does not adhere to the ACHD District's guidelines for successive driveways in terms of alignment or offset, as it falls short of the minimum of 330 feet separation from any existing or proposed driveway, and is not located a minimum of 355-feet away from the nearest intersection. Since the applicant is not intensifying or changing the use of the property staff and ACHD are supportive of the driveway configuration remaining for the residential use. Per UDC 11-3A-3 when a property takes access from an arterial street and prior to any new, expanded, or extended use or development of the property, to adjoining properties, the property owner is required to grant cross access. Further, this requirement may extend to residential properties where the use is anticipated to change to a nonresidential use. As noted above, the property owner intends to expand the site in the future. Since the property abuts several underdeveloped properties and there is the potential for further expansion on the property, Staff believes cross access is warranted, but identifying which properties and the exact location for the shared driveways will be determined when actual development is proposed for the property. This may include closing one or both driveways. Staff recommends that in the event the property intensifies or redevelops in the future, the Applicant should provide cross/access to the neighboring properties located to the south, north, and east to eliminate the need for multiple accesses off an arterial roadway within close proximity in accord with UDC 11-3A-3.

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

The existing home has a driveway off of Meridian Road that contains a 20' x 20' parking pad and a two-car garage. UDC 11-3C-6 requires 4 parking spaces for a three and four-bedroom home, at least two in an enclosed garage, other spaces may be enclosed or a minimum 10-foot by 20-foot parking pad. In reviewing the County Assessor's records, it appears the home currently has three bedrooms. Therefore, *the parking provided on-site meets the minimum requirements of 11-3C-6.*

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

There is an existing 7-foot wide attached sidewalk on Meridian Road along the existing property frontage that is consistent with ACHD's district policy for arterial roads with the exception of dedicated right-of-way; therefore, additional right-of-way dedication totaling 96-feet on Meridian Road abutting the site should be required as part of a future application. *Based on ACHD's recommendation of approval, Staff recommends that the Applicant provide a permanent right-of-way easement to 2 feet behind the back of the sidewalk for any sidewalk placed outside of the dedicated right-of-way.*

EXHIBIT A

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

A landscape buffer is not required for a single-family dwelling unit in the O-T zoning district. The UDC does not regulate landscaping on residential lots. *However, the existing house is currently setback approximately 30 feet from Meridian Road leaving several areas in front of the residence that could be landscaped to enhance the streetscape along Meridian Rd. Staff believes the street frontage should be landscaped with a mix of trees, shrubs, lawn, hardscapes, and/or a water-conserving design in accord with UDC 11-3B-7C.*

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

There is not existing fencing on the property. There is an existing CMU wall on the south side of the property. *Any new or relocated fencing should comply with fencing regulations per UDC 11-3A-7.*

Outdoor Lighting (UDC [11-3A-11](#)):

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C unless otherwise approved through alternative compliance. Light fixtures that have a maximum output of 1,800 lumens or more are required to have an opaque top to prevent up-lighting; the bulb shall not be visible and shall have a full cutoff shield in accord with Figure 1 in UDC 11-3A-11C.

Building Elevations:

The existing building consists of stucco, brick, and asphalt roof shingles. *A Design Review application is not required for single-family dwellings; however, when the property redevelops to commercial use in the future, a Design Review application will be required.*

A Certificate of Zoning Compliance application is required to be submitted for approval for future re-development for commercial uses on this site to ensure compliance with UDC standards and development provisions associated with this application.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed rezone from C-C to O-T per the Findings in Section X of this report with the inclusion of a Development Agreement.

B. The Meridian Planning & Zoning Commission heard these items on September 21, 2023. At the public hearing, the Commission moved to recommend approval of the subject Rezone request.

1. Summary of Commission public hearing:

- a. In favor: Dave Petsche, Owner**
- b. In opposition: None**
- c. Commenting: None**
- d. Written testimony: None**
- e. Staff presenting application: Linda Ritter, Associate Planner**
- f. Other Staff commenting on application: None**

2. Key issue(s) of public testimony:

- a. None**

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

- a. None**

4. Commission change(s) to Staff recommendation:

- a. None**

5. Outstanding issue(s) for City Council:

- a. None**

EXHIBIT A

- C. The Meridian City Council heard these items on October 17, 2023. At the public hearing, the Council moved to approve the subject Rezone and request.
1. Summary of the City Council public hearing:
 - a. In favor: Dave Petsche, Owner
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application: Stacy Hersh, Associate Planner
 - 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

EXHIBIT A

VIII. EXHIBITS

A. Rezoning Legal Description and Exhibit

ELS ENGBRITSON LAND SURVEYS, PLLC.

2251 S. Sumac Street, Boise, Idaho 83706

Telephone (208) 859-6032 mike@elsurveys.com

26 June 2023

Revised: 26 July 2023

ELS Project No. 230616 – Tammy Petsche

Land Description for Rezone

Reference Warranty Deed Instrument No. 2019-115758

Contains 26,284 square feet more or less

EXHIBIT A

A portion of land within Block 5 of F.A. Nourse's Third Addition to Meridian (a recorded plat in Book 6 at Page 289 of Ada County records) within a portion of the NE ¼ of Section 7, T. 3 N., R. 1 E., B.M., City of Meridian, Ada County, Idaho more particularly described as follows:

Commencing at a found Brass Cap monument marking the Northwest corner of said Section 7 from which a found Brass Cap monument marking the West ¼ corner of said Section bears S 00°00'00" E a distance of 2651.94 feet, thence southerly along the west boundary line of said Section S 00°00'00" E a distance of 621.20 feet to the POINT OF BEGINNING.

Thence easterly perpendicular to said Section line N 90°00'00" E a distance of 263.60 feet to a found iron pin;

Thence southerly parallel to said Section line S 00°00'00" E a distance of 106.20 feet to a found iron pin on the South line of said Block 5;

Thence westerly along said South line N 90°00'00" W a distance of 73.60 feet to a found square fence post set in concrete;

Thence northerly perpendicular to said South line and parallel to said Section line N 00°00'00" W a distance of 9.00 feet to a point;

Thence parallel to and 9.00 feet northerly of said South line N 90°00'00" W a distance of 190.00 feet to a point on said Section line;

Thence northerly along said Section line N 00°00'00" W a distance of 97.20 feet to the POINT OF BEGINNING.

The above-described tract of land contains 26,284 square feet more or less subject to all existing easements and rights-of-way.



K:\ELSP\Projects\2023\230616\Admin\Legals\EXH A Rezone description 062623.doc

EXHIBIT A

B. Site Map

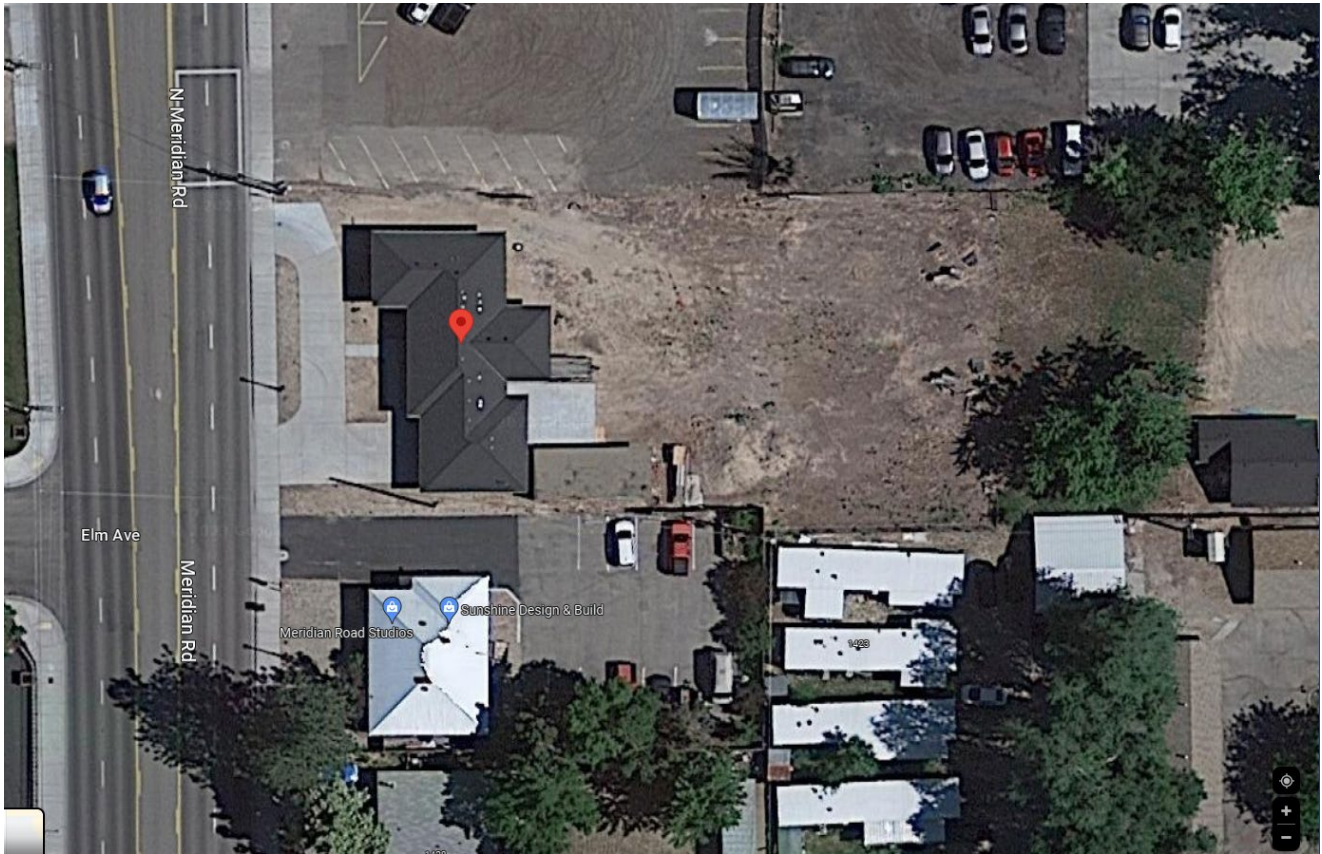


EXHIBIT A

C. Elevations of Existing Home



EXHIBIT A



EXHIBIT A



EXHIBIT A

IX. CITY/AGENCY COMMENTS

A. PLANNING

1. Rezone

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

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

- a. The development shall comply with all provisions of the O-T zoning district as set forth in UDC 11-2D.
- b. Applicant shall comply with the access to street standards set forth in UDC 11-3A-3. The existing driveway may remain as long as the home and site are not expanded. With a future Certificate of Zoning Compliance Application, the applicant will be required to grant cross access to one or more of the adjoining properties (Parcel #'s R6129020630, R6129020520, R6129020650, and R6129020570) for future interconnectivity which may include the closure of one or both existing accesses to Meridian Road as determined by the Director.
- c. The Applicant shall install landscaping along the Meridian Road frontage to include trees, shrubs, lawn, hardscapes, and/or a water-conserving design in accord with UDC 11-3B-7C.
- d. Applicant shall comply with the ordinances in effect at the time of application submittal.

B. NAMPA MERIDIAN IRRIGATION DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=291420&dbid=0&repo=MeridianCity&cr=1>

C. IDAHO TRANSPORTATION DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=292380&dbid=0&repo=MeridianCity>

D. IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=291615&dbid=0&repo=MeridianCity>

E. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=291016&dbid=0&repo=MeridianCity>

X. FINDINGS

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

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

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

EXHIBIT A

Staff finds the proposed zoning map amendment to rezone the property from the C-C zoning district to the O-T zoning district is consistent with the Comprehensive Plan.

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

Staff finds the proposed zoning map amendment complies with the regulations outlined in the requested Old Town designation.

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

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

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

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

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

Subject site is already annexed so staff finds this finding nonapplicable.