

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



In the Matter of the Request for Modification to the Use Area Plan in the Development Agreement (Inst. #2019-028376) to Include Financial Uses in the Area Currently Designated for Specialty Retail and Restaurant Uses, by CSHQA.

Case No(s). H-2021-0034

For the City Council Hearing Date of: June 1, 2021 (Findings on June 15, 2021)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of June 1, 2021, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of June 1, 2021, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of June 1, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of June 1, 2021, 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 June 1, 2021, 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 a modification to the development agreement is hereby approved per the provisions in the Staff Report for the hearing date of June 1, 2021, 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 June 1, 2021

By action of the City Council at its regular meeting held on the 15th day of June, 2021.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

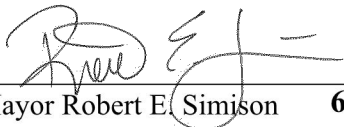
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE



COUNCIL MEMBER JOE BORTON VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison 6-15-2021

Attest:  

Chris Johnson 6-15-2021
City Clerk

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

By:  _____ Dated: 6-15-2021
City Clerk's Office

EXHIBIT A



STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT

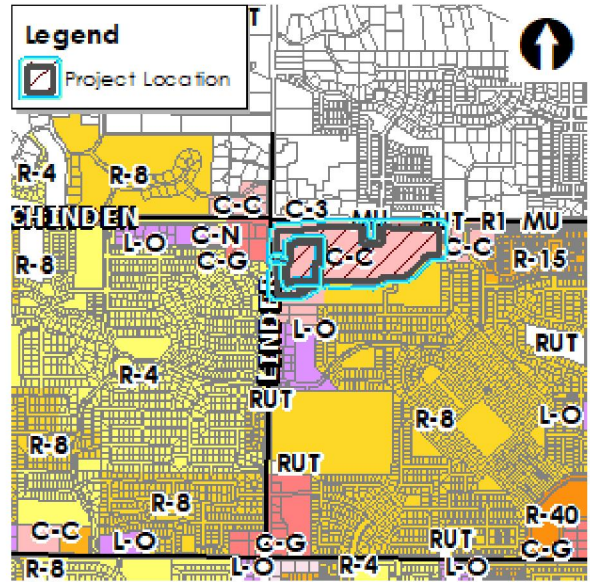
HEARING DATE: 6/1/2021

TO: Mayor & City Council

FROAM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: H-2021-0034
Linder Village

LOCATION: The site is located at 6308 N. Linder Road at the northeast corner of N. Linder Road and W. Chinden Blvd., in the NW ¼ of Section 25, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Modification to the Use Area Plan in the Development Agreement (Inst. #2019-028376) to include financial uses in the area currently designated for specialty retail and restaurant uses.

II. SUMMARY OF REPORT

A. Applicant:

Mandie Brozo, CSHQA – 200 Broad St., Boise, ID 83702

B. Owner:

Dave McKinney, High Desert Development Linder Village, LLC – 2537 W. State St., Ste. 110, Boise, ID 83702

C. Representative:

James Marsh, CSHQA – 2537 W. State St., Ste. 110, Boise, ID 83702

III. STAFF ANALYSIS

The Applicant proposes to amend the existing Development Agreement (DA) (Inst. #2019-028376) to update the Use Area Plan to allow for a financial institution in the area currently designated for specialty retail and restaurant uses at the northwest corner of the site. No other changes to the uses shown on the Plan are proposed. The Use Area Plan in Section V.B is included in the existing DA; the Plan in Section V.E is proposed.

Substantial compliance with the approved Use Area Plan is required as a provision of the DA (i.e. #5.1a) to ensure a minimum of three (3) land use types [i.e. commercial (includes retail, restaurants,

etc.), office, residential, civic (includes public open space, parks, entertainment venues, etc.) and industrial] are provided within this development consistent with the guidelines in the Comprehensive Plan for the associated Mixed Use – Community (MU-C) Future Land Use Map (FLUM) designation for this site.

The conceptual development plan and site circulation plan have also been updated to reflect the proposed reconfiguration of the site layout in the area where the financial institution is planned; the adjacent building footprint to the east now includes a drive-through. The pedestrian circulation plan depicts reconfigured pathway locations consistent with the new site design.

The proposed change to include financial along with the retail and restaurant uses will still ensure a mix of land uses are provided as desired in the MU-C.

Because the proposed change increases the types of uses planned for this area which is desired, Staff is supportive of the requested amendment to the DA.

IV. DECISION

A. Staff:

Staff recommends approval of the modification to the DA as proposed by the Applicant.

C. The Meridian City Council heard this item on June 1, 2021. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

- a. In favor: James Marsh, CSHQA; David McKinney; Dusty Woolstenhulme; Mandie Brozo, CSHQA**
- b. In opposition: None**
- c. Commenting: Sally Reynolds; Denise LaFever**
- d. Written testimony: Norman & Julie Davis; Sally Reynolds**
- e. Staff presenting application: Sonya Allen**
- f. Other Staff commenting on application: None**

2. Key issue(s) of public testimony:

- a. Not in favor of the proposed change to the Use Area Plan to include financial institutions; prefers restaurant & specialty stores in this location since there are two other financial institutions within walking distance of this site;**
- b. No issue with proposed change;**
- c. Concern about blight resulting from repurposing of the bank building across the street with development of the proposed bank on this site.**

3. Key issue(s) of discussion by City Council:

- a. Extent of road widening improvements and timing for completion;**
- b. Traffic calming within the site and in Bacall on the southern portion of the site.**

4. City Council change(s) to Staff’s recommendation:

- a. None**

V. EXHIBITS

A. Existing Conceptual Development Plan (dated: 12/13/18)

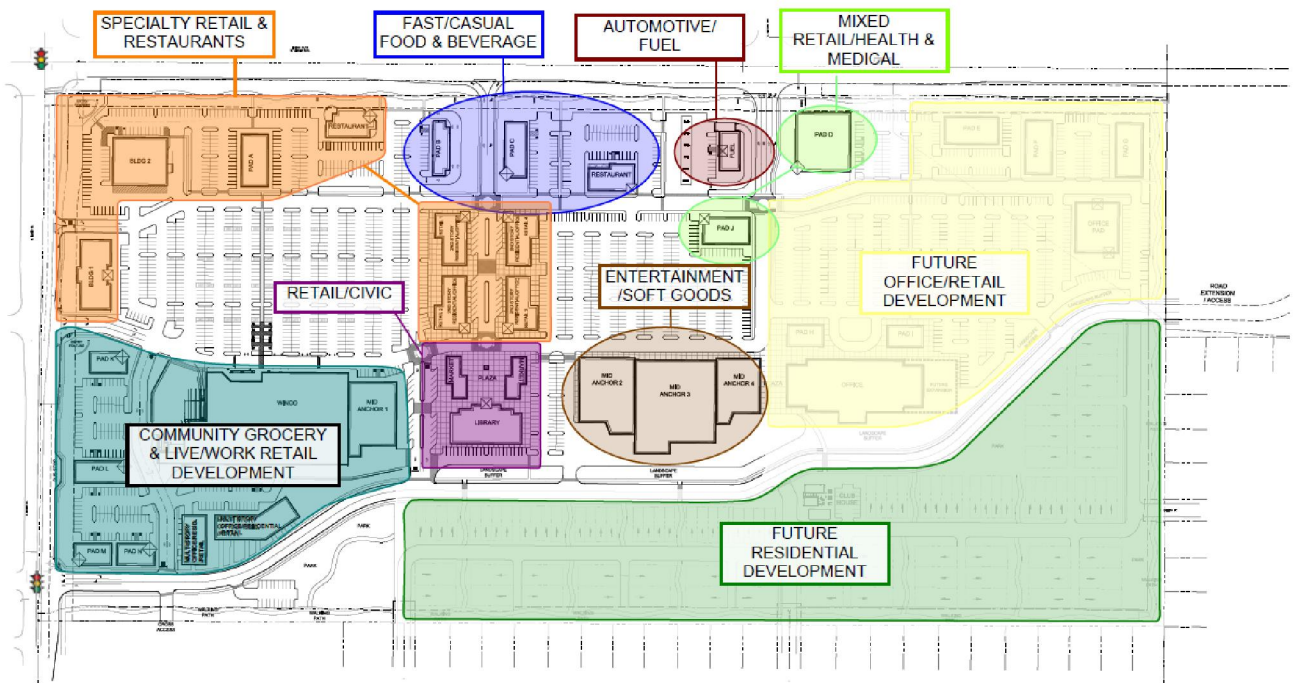


CSHOA
CLIENT: DMG Real Estate Partners, LLC
LOCATION: BOYLE, OHIO
DRAWING TITLE: Concept Plan
DATE: 12/13/18
BY: BEM
PROJECT #: 07142

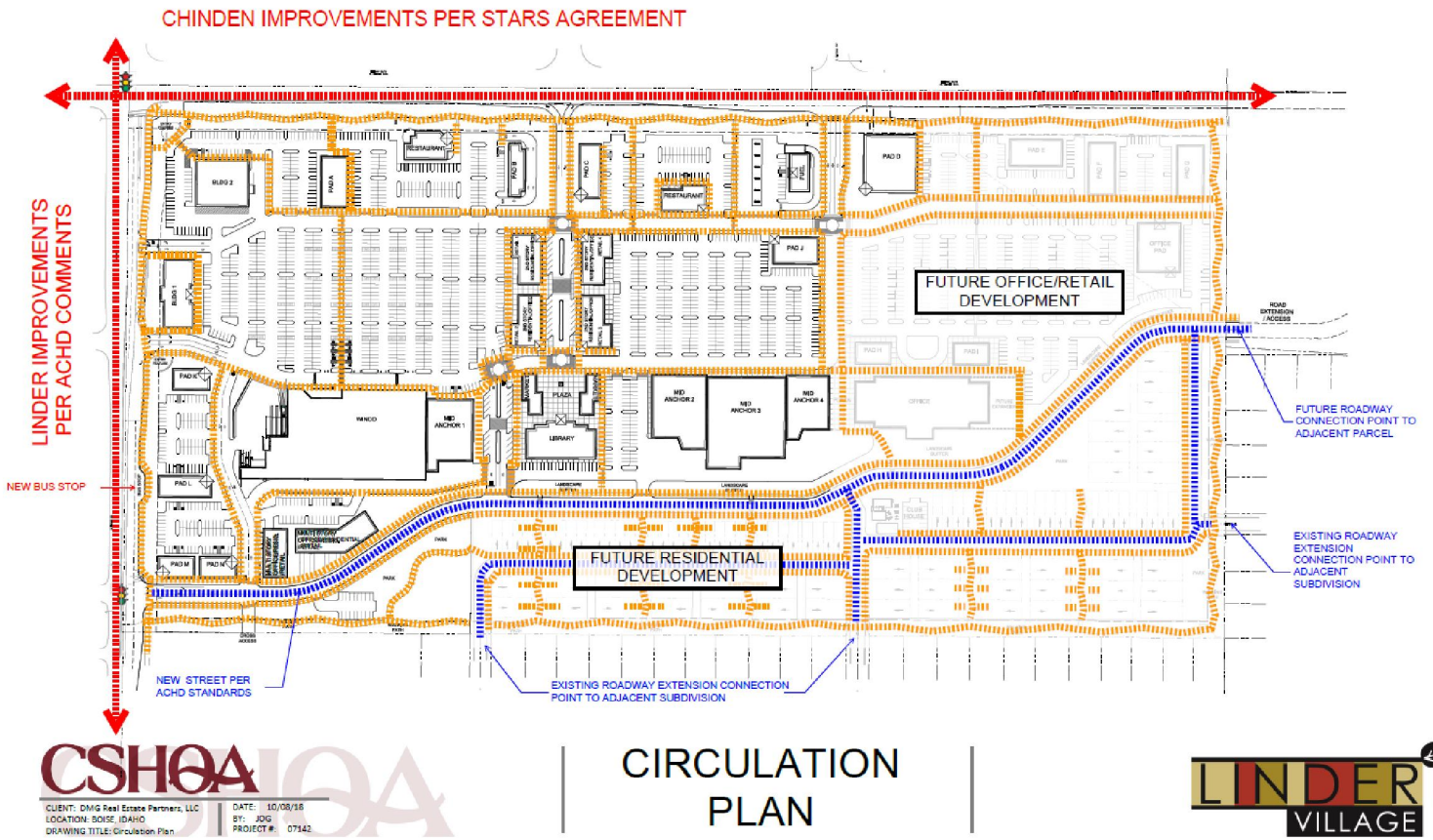
CONCEPT SITE
PLAN

1 CONCEPT PLAN
SCALE: 1" = 50'
PAGE 11 FEET
LINDER VILLAGE

B. Existing Use Area Plan (dated: 10/8/18):



C. Existing Site Circulation Plan (dated: 10/8/18):



D. Proposed Conceptual Development Plan (dated: 5/25/2021):



CSHOA | **IOA**

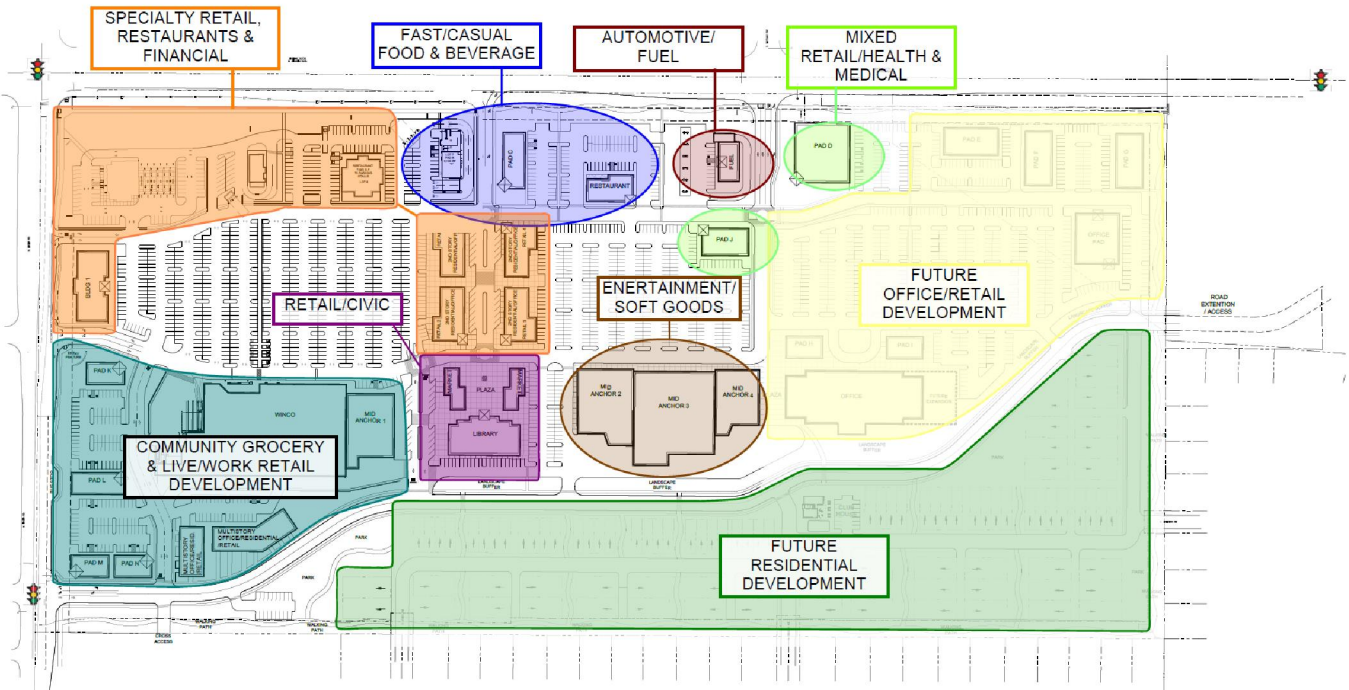
CLIENT: DMG Real Estate Partners, LLC | DATE: 05/25/21 REV
LOCATION: BOISE, IDAHO | BY: AMB
DRAWING TITLE: CONCEPT SITE PLAN | PROJECT #: 07142

CONCEPT
SITE PLAN

1 CONCEPT PLAN
SCALE: 1" = 50'
DATE: 05/25/21



E. Proposed Use Area Plan (dated: 5/7/21):



F. Proposed Site Circulation Plan (dated: 5/7/21):

