

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



**In the Matter of the Request to Rezone 0.34 acres of land from the R-4 zoning district to the O-T zoning district for the purpose of converting the existing home into a hair salon, by Alexis Kilgore.
Case No(s). H-2023-0063**

For the City Council Hearing Date of: March 26, 2024 (Findings on April 9, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 26, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 26, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 26, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 26, 2024, 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 March 26, 2024, 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 Rezone is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 26, 2024, 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 March 26, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT JOE BORTON	VOTED _____
COUNCIL VICE PRESIDENT LIZ STRADER	VOTED _____
COUNCIL MEMBER DOUG TAYLOR	VOTED _____
COUNCIL MEMBER LUKE CAVENER	VOTED _____
COUNCIL MEMBER JOHN OVERTON	VOTED _____
COUNCIL MEMBER ANNE LITTLE ROBERTS	VOTED _____
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED _____

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: March 26, 2024
 TO: Mayor & City Council
 FROM: Stacy Hersh, Associate Planner
 208-884-5533
 SUBJECT: Kilgore RZ
[H-2023-0063](#)
 LOCATION: 1105 N Meridian Road



I. PROJECT DESCRIPTION

Request to rezone 0.34 acres of land from the R-4 zoning district to the O-T zoning district for the purpose of converting the existing home into a hair salon.

A. Project Summary

Description	Details	Page
Acreage	Rezone - 0.34 of an acre	
Future Land Use Designation	Old Town	
Existing Land Use(s)	Single-family residential	
Proposed Land Use(s)	Professional Service – Hair Salon	
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:	11/09/2023	
History (previous approvals)	None	

EXHIBIT A

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> • Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> • Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access occurs from N. Meridian Road via an alleyway off of W. Washington Street. Carlton Avenue (located to the south of this site), is an eastbound one-way street that exits to Meridian Road.	
Stub Street/Interconnectivity/Cross Access		
Existing Road Network	Meridian Road is improved with 5-travel lanes, vertical curb, gutter, and 7-foot wide sidewalk abutting the site. Carlton Avenue, an eastbound one-way street, is improved with 33-feet of pavement, vertical curb, and no sidewalk abutting the site. The existing 16-foot wide one-way alley running north/south in between Carlton Avenue and Washington Street is unimproved.	
Existing Arterial Sidewalks / Buffers	There is an existing 7-foot wide sidewalk along Meridian Road and existing landscape buffer to remain.	
Proposed Road Improvements	No road improvements are required.	
Fire Service	No comments	
Police Service	No comments	
Wastewater		
<ul style="list-style-type: none"> • Comments 	<ul style="list-style-type: none"> • No changes to public sewer infrastructure shown in records. Any changes need to be approved by public works. 	
Water		
Distance to Water Services	<ul style="list-style-type: none"> • No changes to public water infrastructure shown in records. Any changes need to be approved by public works. • Distance to Service – Water available at site • Pressure Zone – 2 • Estimated ERU – See Application • Water Quality Concerns – None • Project Consistent with Master Plan – Yes 	

EXHIBIT A

C. Project Area Maps

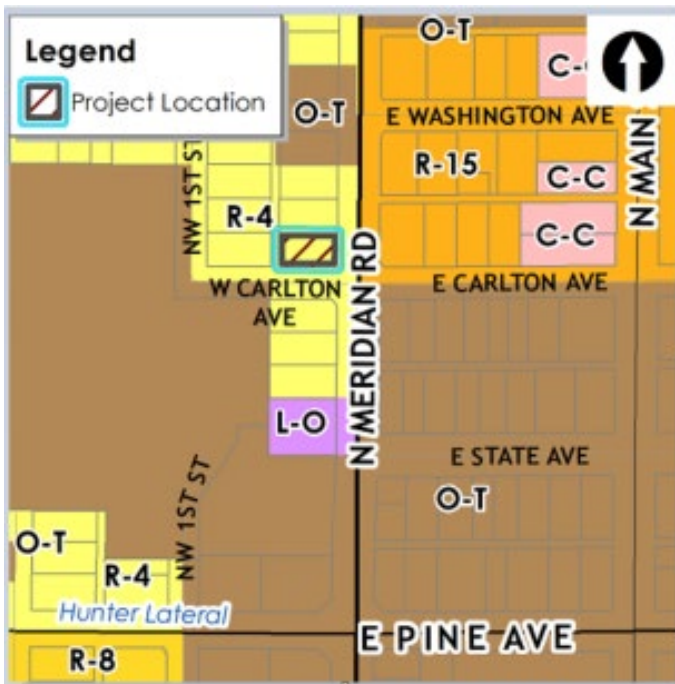
Future Land Use Map



Aerial Map



Zoning Map



Planned Development Map



EXHIBIT A

II. APPLICANT INFORMATION

A. Applicant:

Alexis Kilgore, Hair by Lexie Kilgore – 1105 N. Meridian Road, Meridian, ID 83634

B. Owner:

Same as above

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	1/30/2024	3/10/2024
Radius notification mailed to properties within 500 feet	1/26/2024	3/1/2024
Sign Posting	2/2/2024	3/14/2024
Nextdoor posting	1/29/2024	3/4/2024

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

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.

Proposed Use: The Applicant proposes to develop the site with a personal service, Hair by Lexie Kilgore, which will feature four (4) stations. The proposed changes to the interior of the building will include updates to the bathroom, floors, and the addition of sinks.

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*):

- “Support a compatible mix of land uses Downtown that activate the area during day and night.” (2.09.02G). *Introducing a personal service, such as a hair salon, into the Downtown area presents an opportunity for increased foot traffic and commerce to occur within a desired location during the day and early evening. This addition contributes to the overall appeal and character of Downtown Meridian. The proposed operational hours are from Tuesday to Saturday, 10:00 am to 6:00 pm. This new commercial use should be a welcome addition to the other uses in the surrounding area.*
- “Support owners of historic buildings in their efforts to restore and/or preserve their properties. (5.02.01B). *Permitting the establishment of personal services in a historical downtown home has the potential to share knowledge and history regarding both Meridian and the specific house. This, in turn, is likely to boost the economic impact of more foot traffic, leading to the growth of other historical sites in the downtown area.*

EXHIBIT A

- Work with Ada County Highway District (ACHD) to identify gaps in the sidewalk system and pursue sidewalk construction for existing substandard streets.(6.01.01I) *The intention is to initiate and pursue sidewalk construction with development projects on streets that currently fall below the established standards. The construction of a 5-foot wide sidewalk connection along W. Carlton Avenue by the Applicant is intended to enhance pedestrian infrastructure, ensuring safer and more accessible walkways in the community, especially for the children walking to the adjacent elementary school. Additionally, provides convenient pedestrian access from the nearby residential areas to the proposed business.*

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

The proposed use, personal service for a hair salon 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

A. Rezone (RZ):

The Applicant is requesting to rezone 0.34 acres of land from R-4 to O-T to operate a personal service for a hair salon on the subject property. 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.

Personal services - The use of a site for the provision of individualized services generally related to personal needs. Personal service uses include, but are not limited to, beauty services such as salons, hair, nail and skin care, spa, and barbers; fitness training and instruction; locksmiths; and repairs such as footwear and leather goods, and watches, are listed as a principal permitted use in the O-T (Old Town) zoning district per UDC Table [11-2C-2](#).

The proposed 1,193-square-foot hair salon will be located in the downtown area within the Meridian Urban Renewal District. The building was built in 1948 and is slated for further improvements to meet city code requirements and enhance the customer experience. The rear porch will be expanded to include an ADA ramp, and the Applicant will be required to pave the alley adjacent to the property. Additionally, 5 parking stalls are proposed to be paved adjacent to the alley.

The proposed hours of operation would be from Tuesday to Saturday, 10:00 am to 6:00 pm.

The City may require a development agreement (DA) in conjunction with a rezone pursuant to Idaho Code section 67-6511A. Due to the size of the development, Staff believes a DA should not be required.

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

The existing home meets all dimensional standards.

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

Access is provided via an alleyway to the north from W. Washington Street. The public street to the south of this property, W. Carlton Avenue, operates as a one-way only leading eastward towards N. Meridian Road.

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

The existing home has unpaved parking off of the alleyway, with space for up to 5 parking stalls. There is currently no off-street parking on this site. The Applicant is required to pave both the alley and the 5 proposed parking stalls with the development of the site upon submittal of a future Certificate of Zoning Compliance Application. ***Wheel restraints should be added to prevent overhanging beyond the designated parking stall dimension in accordance with UDC 11-3C-***

EXHIBIT A

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

The Applicant is not proposing any additional landscaping to be added to the site with this project. For additions less than twenty-five (25) percent of the existing structure or developed area, no additional landscaping shall be required except for buffers to adjacent residential uses in accordance with UDC 11-3B-2D(1). *As mention above, Staff strongly encourages the Applicant to include a parkway along W. Carlton Avenue with trees, bushes, lawn, or other vegetative cover in accordance with UDC 11-3B-7.C.*

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

The Applicant intends to remove the existing fencing on the west side of the property adjacent to the stalls. As mentioned above, a portion of the fencing on the south side of the property should be removed to accommodate for the pedestrian walkway to the main entrance of the building. The existing fencing surrounding a small patio in the front yard does comply with UDC code requirements for fencing, as the maximum height for a front yard fence is 3-feet for closed vision fences or 4-feet for open vision fences. No additional fencing is proposed. *Staff recommends that the Applicant remove the existing fencing surrounding the front yard patio with fencing that complies with the UDC Code (refer to picture below).*



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

All outdoor lighting is required to comply with the standards listed in UDC 11-3A-11C.

Building Elevations:

Conceptual building elevations and perspectives were submitted for the existing structure as shown in Section IX.D. The building consists of existing siding, facia trim, asphalt roof shingles and new wood deck with railing and ADA ramp. *As stated above in this report, the only new additions to the structure is the rear entry.*

The proposed elevations are not approved with this application and will be reviewed with the Design Review application for consistency with the design standards listed in the [Architectural Standards Manual](#). Full compliance with the ASM is not required based on the limited scope of work associated with this project.

Certificate of Zoning Compliance (UDC [11-5B-1](#)):

A Certificate of Zoning Compliance (CZC) is required to be submitted for the proposed use and site changes prior to submittal of a building permit application to ensure compliance with UDC standards and staff comments listed in Section IX.

EXHIBIT A

VII. DECISION

A. Staff:

Staff recommends approval of the proposed rezone from R-4 to O-T per the Comments in Section IX and the Findings in Section X of this report.

B. The Meridian Planning & Zoning Commission heard these items on February 15, 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: Reed Kilgore
 - 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 Commission:
 - a. None
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. None

C. The Meridian City Council heard these items on March 26, 2024. At the public hearing, the Council moved to approve the subject Rezone request.

1. Summary of the City Council public hearing:
 - a. In favor: Alexis Kilgore, 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 Map



Parcel Description Re-Zone Legal Description Residential to Old Town

A portion of Lot 1, Block 1 of Niday's Second Addition according to the official plat thereof filed in Plats at Page 594, Ada County Records, situate in the northeast quarter of Section 12, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and more particularly described as follows:

BEGINNING at the southeast corner of *Niday's Second Addition* according to the official plat thereof filed in *Plats at Page 594, Ada County Records*, from which the northeast corner of Section 12 bears North 00°00'00" East, 1989.80 feet ±.

Thence along the southerly line of said *Addition*, North 89°50'00" West, 158.00 feet to the center line of an Alley in Block 1 of *Niday's Second Addition* according to the official plat thereof filed in *Plats at Page 594, Ada County Records*;

Thence along said center line, North 00°00'00" East, 94.00 feet to a point of the prolongation of the northerly line of Lot 1, Block 1 of said *Addition*;

Thence along said prolongation, South 89°50'00" East, 158.00 feet to a point of the prolongation of the northerly line of Lot 1, Block 1 of *Niday's Second Addition* according to the official plat thereof filed in *Plats at Page 594, Ada County Records*, and the easterly line of said *Addition*, and the northeast quarter of Section 12;

Thence along the said line, South 00°00'00" East, 94.00 feet to the **POINT OF BEGINNING**.

Containing 14,852 square feet or 0.341 acres, more or less.

END OF DESCRIPTION.

Prepared by:
Travis L. Krupp, PLS
Regional Survey Manager

TUK:rk



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Equal Opportunity Employer

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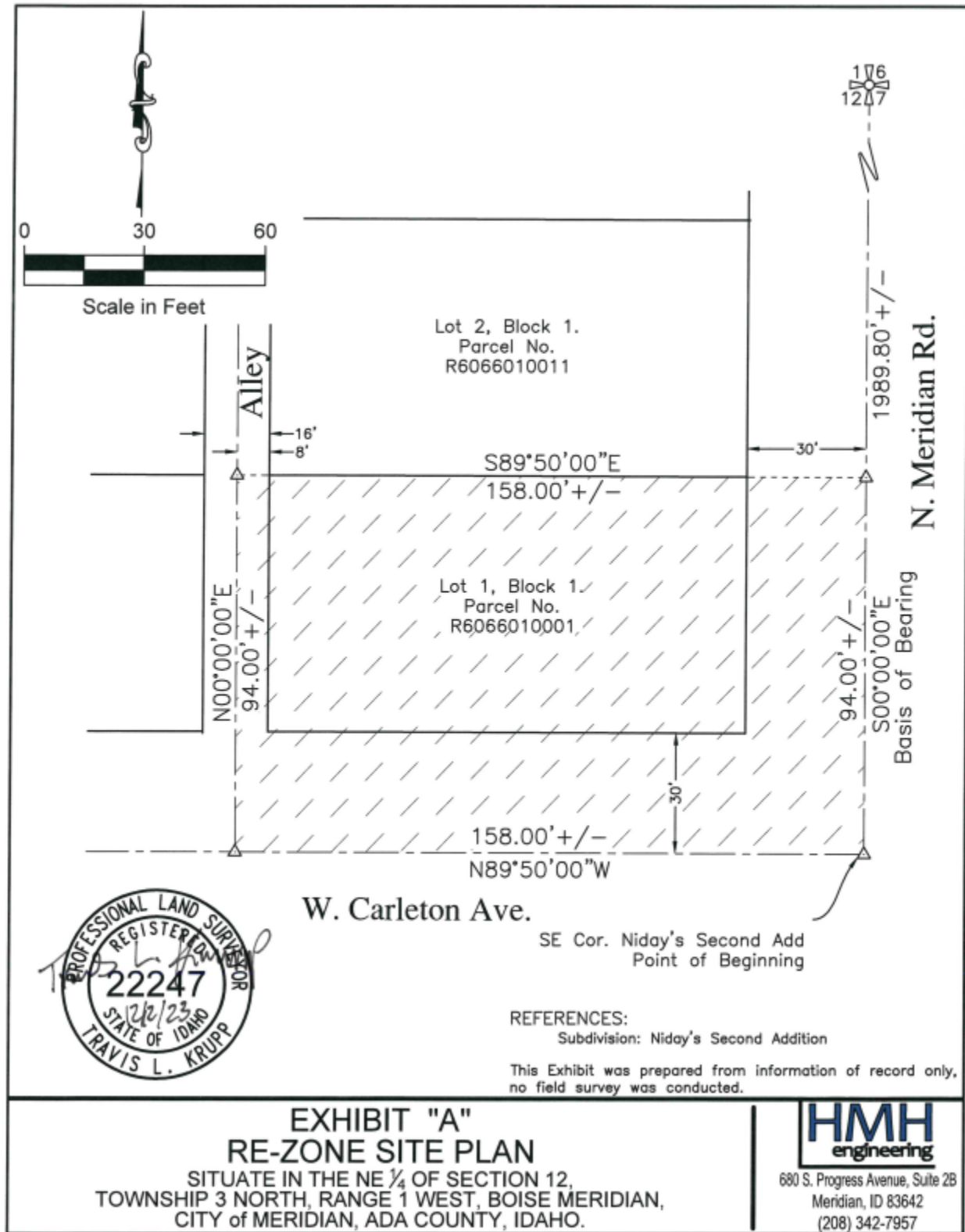


EXHIBIT A

B. Site Plan

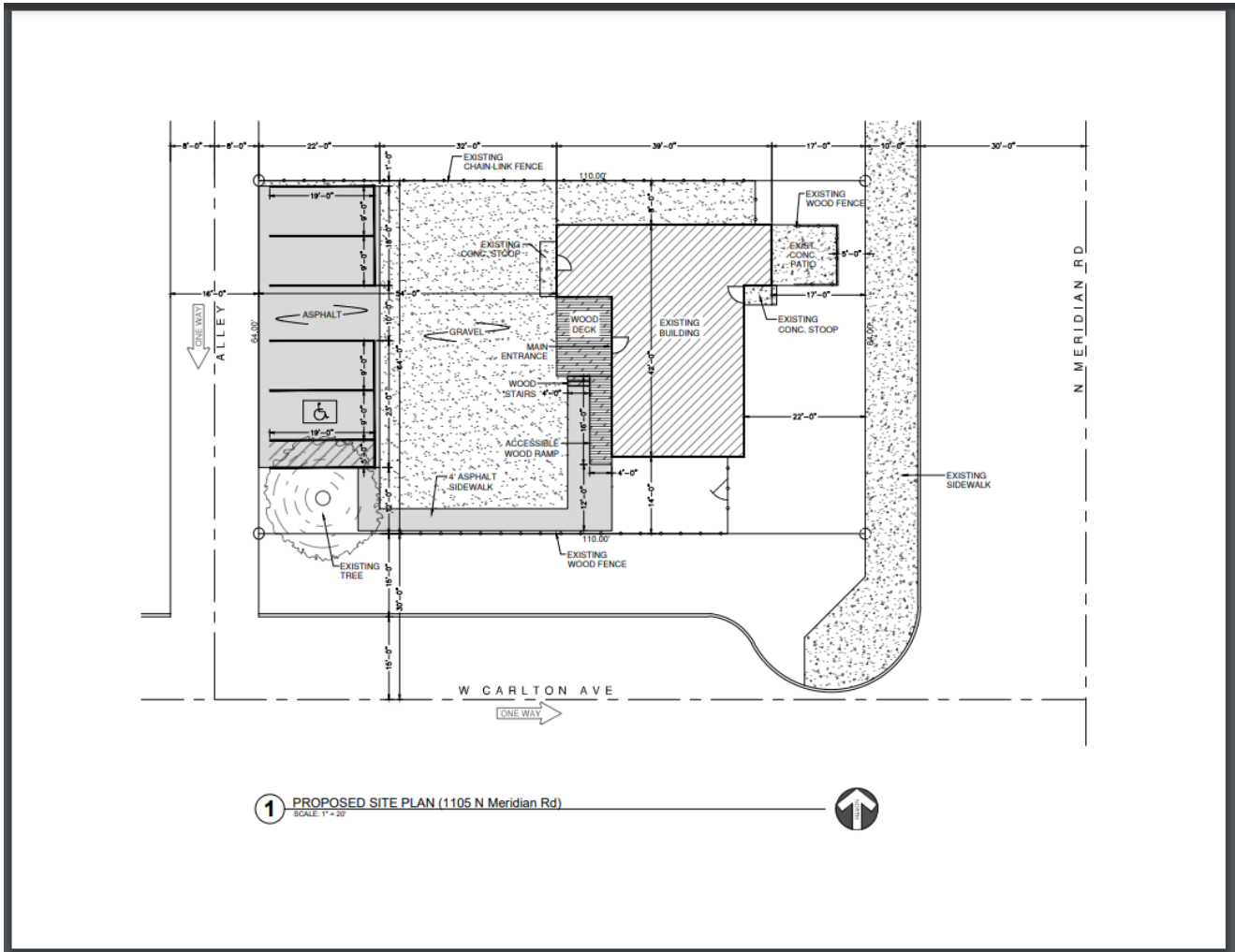


EXHIBIT A

C. Elevations

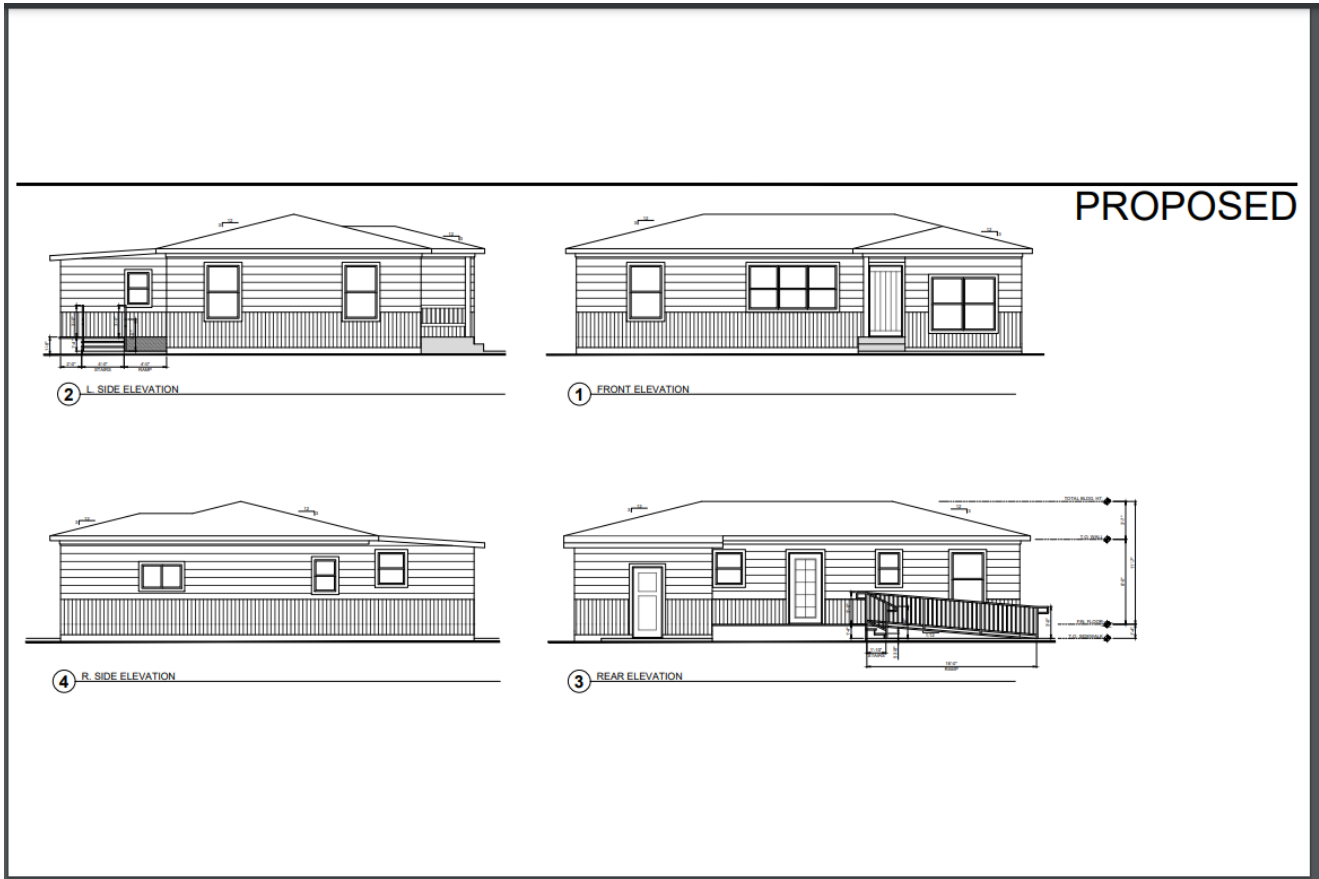


EXHIBIT A

D. Pictures of Existing Home



EXHIBIT A

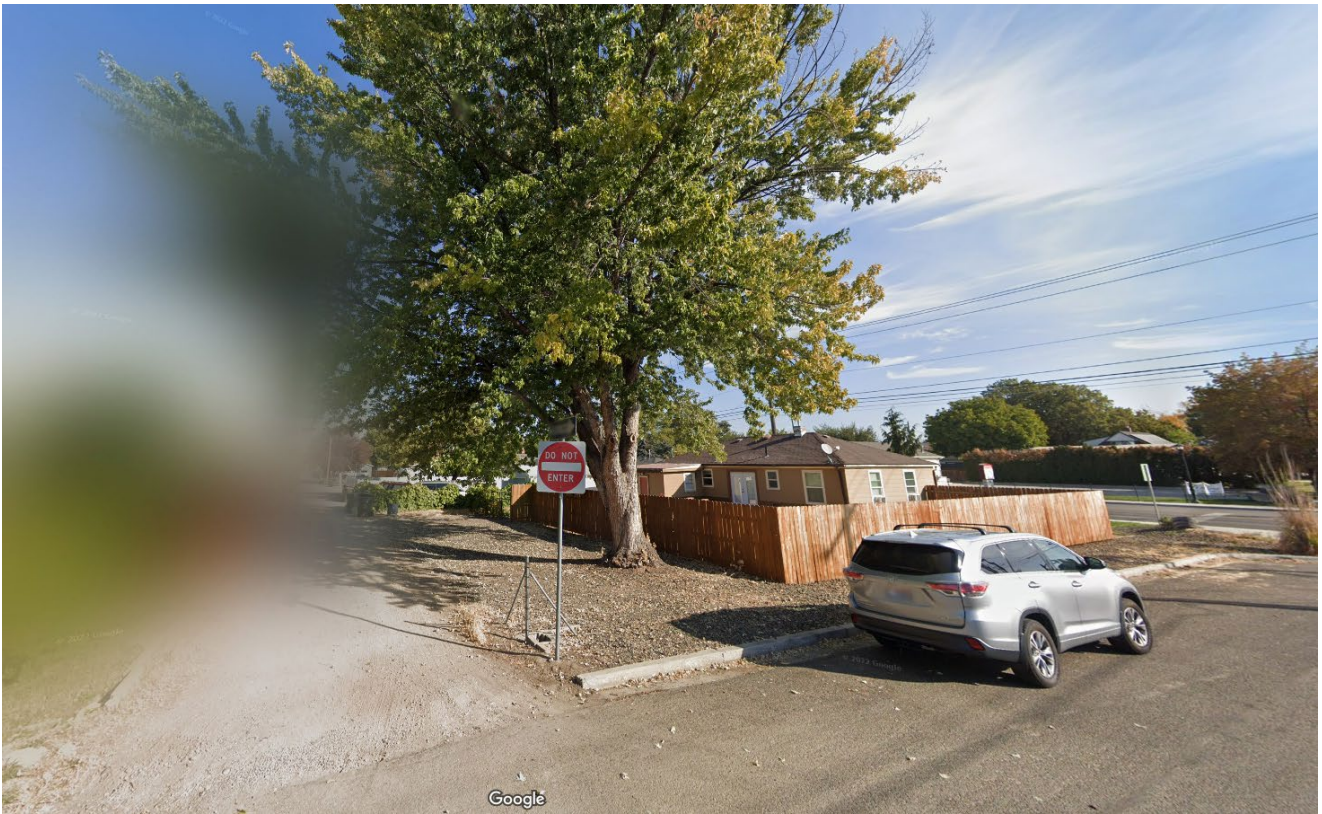


EXHIBIT A

IX. CITY/AGENCY COMMENTS

A. PLANNING

Staff Comments:

1. The maximum number of allowable customers at the facility at *one time* at any given time must not exceed the maximum occupant load specified in the Fire Code.
2. Prior to building permit submittal, the Applicant shall obtain Certificate of Zoning Compliance and Design Review approval to establish the use and approval for the exterior modifications to the building.
3. The site and landscape plans submitted with the Certificate of Zoning Compliance application shall depict the following:
 - a. Construct a 5-foot wide concrete sidewalk abutting the site along W. Carlton Avenue connecting to the existing sidewalk along N. Meridian Road and construct a 5-foot wide sidewalk in front of the parking stalls.
 - b. Connect the proposed sidewalk to the main entrance of the building (rear) to the required sidewalk to be installed along W. Carlton Avenue. Additionally, remove a section of the fencing on the south side of the property to provide access to the main entrance.
 - c. Pave the entire width of the alley from the edge of pavement from Carlton Avenue to the site's northern property line; provide 20-feet of back-up space from any parking stall.
 - d. Install wheel restraints in front of the 5 parking stalls in accordance with UDC 11-3C-5.B(3).
 - e. Install "No Parking" signs along the alley.
 - f. Remove the existing fencing surrounding the front yard patio with fencing that complies with UDC Code [11-3A-7](#).
 - g. Remove the existing fencing situated on the west side of the property in front of the proposed parking stalls.
 - h. Include a bicycle rack and a detail of the bicycle rack with the CZC submittal.
 - i. Install "No Parking" signs along the alley.
4. Direct lot access from N. Meridian Road is prohibited.

B. NAMPA MERIDIAN IRRIGATION DISTRICT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331488&dbid=0&repo=MeridianCity&r=1>

C. IDAHO TRANSPORTATION DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=330209&dbid=0&repo=MeridianCity>

D. IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=330210&dbid=0&repo=MeridianCity>

E. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=331687&dbid=0&repo=MeridianCity>

EXHIBIT A

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;
Council finds the proposed zoning map amendment to rezone the property from the R-4 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;
Council 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;
Council 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
Council 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.