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



In the Matter of the Request for a Modification to the Development Agreement Required with H-2022-0091, Linder Storage Condos, to Allow Warehouse and Flex Space Uses along with the Previously Approved Self-service Storage Facility; and Update the Conceptual Development Plan and Building Elevations for Linder Condos, by The Architect's Office.

Case No(s). H-2023-0074

For the City Council Hearing Date of: March 12, 2024 (Findings on March 26, 2024)

A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of March 12, 2024, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of March 12, 2024, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of March 12, 2024, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 12, 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 12, 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 modification to the terms of the development agreement approved with the annexation is hereby approved per the provisions in the Staff Report for the hearing date of March 12, 2024, 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. 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 12, 2024

By action of the City Council at its regular meet 2024.	ting held on the day of
COUNCIL PRESIDENT JOE BORTON	VOTED
COUNCIL VICE PRESIDENT LIZ STR.	ADER VOTED
COUNCIL MEMBER DOUG TAYLOR	VOTED
COUNCIL MEMBER LUKE CAVENER	R VOTED
COUNCIL MEMBER JOHN OVERTON	VOTED
COUNCIL MEMBER ANNE LITTLE R	OBERTS VOTED
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED
Mayo	r Robert Simison
Attest:	
Chris Johnson City Clerk	
Copy served upon Applicant, Community Deve Attorney.	lopment Department, Public Works Department and City
By: City Clerk's Office	Dated:

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING March 12, 2024

DATE: Continued from: February 13, 2024

TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner

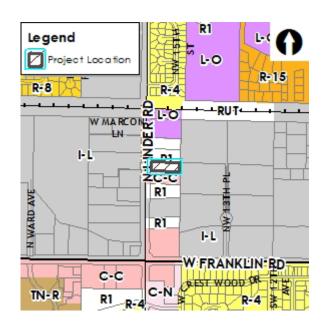
208-884-5533

SUBJECT: <u>*H*-2023-0074</u>

Linder Condos – MDA

LOCATION: 300 N. Linder Rd. in the SW 1/4 of

Section 12, T.3N., R.1W.



I. PROJECT DESCRIPTION

The Applicant proposes a modification to the development agreement required with H-2022-0091, Linder Storage Condos, to allow warehouse and flex space uses along with the previously approved self-service storage facility; and update the conceptual development plan and building elevations.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.98-acre	
Future Land Use Designation	General Industrial	
Existing Land Use	Rural residential property	
Proposed Land Use(s)	Self-service storage facility or warehouse or flex space	
Current Zoning	R1 in Ada County	
Proposed Zoning	Tentatively approved with I-L (Light Industrial) zoning (with approval of the development agreement and annexation ordinance H-2022-0091)	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date	1/11/24	
History (previous approvals)	Lot 4, Heppers Acre Subdivision; <u>H-2022-0091</u> (AZ, VAC)	

III. APPLICANT INFORMATION

A. Applicant:

Jeremy Putman, The Architect's Office – 499 Main Street, Boise, ID 83702

B. Owner:

Greg Herman – 300 N. Linder Rd., Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	City Council Posting Date
Newspaper notification published in newspaper	1/28/24, 2/25/24
Radius notification mailed to property owners within 300 feet	1/26/24, 2/24/24
Public hearing notice sign posted on site	1/13/24, 2/28/24
Nextdoor posting	1/29/24, 2/26/24

V. STAFF ANALYSIS

The Applicant proposes to modify the development agreement (H-2022-0091) to allow warehouse and flex space uses in addition to the previously approved self-service storage facility use; and update the conceptual development plan and building elevations for the site. The Applicant's narrative states the target market for these spaces will be for contractors, mostly for storage, with the potential for each space to have a small office and restroom. *Note: The development agreement associated with H-2022-0091 has not yet been signed and recorded.*

Proposed Use: The proposed modification will allow for more variety in the uses allowed on the site as can be accommodated with the proposed development plan. Per UDC <u>Table 11-2C-2</u>, warehouse and flex space uses are listed as principal permitted uses in the I-L district. The proposed uses are subject to the specific use standards listed in the UDC, as follows:

- *11-4-3-42* Warehouse:
 - A. Accessory uses allowed. Office not to exceed twenty-five (25) percent and retail sales not to exceed ten (10) percent of the total enclosed area of the use.
 - B. Outside activity areas shall be located a minimum of three hundred (300) feet from any property line adjoining a residence or a residential district.
- 11-4-3-18 Flex Space:
 - A. Office and/or retail showroom areas shall comprise a minimum of thirty (20) percent of the structure and/or tenant space.
 - B. Light industry and warehousing shall not comprise more than seventy (70) percent of the tenant space.
 - C. In the C-C, C-G and M-E districts, roll-up doors shall not be visible from a public street.

- D. Except in the I-L and I-H districts, loading docks are prohibited.
- E. Retail use shall not exceed twenty-five (25) percent of leasable area in any tenant space.

Site Plan: Originally, eight (8) tenant spaces were proposed in two (2) buildings; now seven (7) tenant spaces are proposed in two (2) buildings totalling 15,643 s.f., including mezzanines. The west building had to be reduced in size to accommodate the cross-access easement/driveway required to the adjacent properties to the north and south.

Access: Access is proposed via N. Linder Rd., an arterial street. The location of the cross-access driveway to the south has changed from the middle of the site between the buildings to the west side of the front building along Linder Rd.; a cross-access driveway is proposed to the north in alignment with the driveway to the south in accord with UDC <u>11-3A-3A.2</u>. A Fire Dept. turnaround is proposed between the two structures as depicted on the site plan.

Parking: In the I-L zoning district, a minimum of one (1) off-street vehicle parking space is required for every 2,000 s.f. of gross floor area per UDC <u>11-3C-6B.2</u>, except for self-service storage facilities, which only require parking for the associated office space (if provided) and not for the storage facility. Because a variety of uses are proposed, the more restrictive parking standard should apply to the overall development.

Based on the square footage of the structures (i.e. 15,643 s.f.), a minimum of seven (7) parking spaces are required; 13 spaces are provided, exceeding the minimum standard by six (6) spaces, which should be sufficient for any of the uses proposed. The extra spaces should accommodate parking for the flex space use (if developed), which would likely create a need for more parking for customers and employees of the retail/office component of the use.

A minimum of one (1) bicycle parking space is required for every 25 proposed vehicle parking spaces or portion thereof per UDC <u>11-3C-6G</u>; bicycle parking facilities are required to meet the location and design standards listed in <u>11-3C-5C</u>. A bicycle rack is depicted on the site plan.

Development Agreement (DA): The existing DA provisions are included in Section VII.A below; the Applicant's proposed changes are noted in strike-out/underline format. The Applicant requests DA provision #5.1h, which limits the hours of operation for storage facilities from 6:00 am to 11:00 pm as set forth in UDC 11-4-3-34E, is revised to include warehouse & flex space. However, because the proposed uses aren't subject to the same limitations on the hours of operation as storage facilities, Staff does not recommend a change to this provision.

The existing and proposed conceptual development plans and building elevations are also included below in Section VII.B. Other than the reduction in the size of the west building, the proposed development plan and elevations are generally consistent with the previously approved plans and conditions of approval. Therefore, Staff is supportive of the proposed changes and inclusion of the additional uses proposed to allow more flexibility for the use of the site.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed Development Agreement modification as requested by the Applicant.

- B. The Meridian City Council heard this item at the February 13th and March 12th public hearings and approved the proposed MDA application.
 - 1. Summary of the City Council public hearing:
 - <u>a.</u> <u>In favor: Jeremy Putman, The Architect's Office (Applicant's Representative); Kim Kelly</u>
 - b. In opposition: None

- <u>c.</u> <u>Commenting: None</u>
- d. Written testimony: Ronald Hatch, property owner to the north (in support)
- e. Staff presenting application: Sonya Allen
- <u>f.</u> 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. Concern pertaining to intensity of the additional uses proposed and their potential negative impact on existing adjacent residential neighbors and the adequacy of on-site parking.
 - <u>b.</u> At the continued hearing, the Applicant addressed previous concerns to the satisfaction of the Council.
- <u>4.</u> <u>City Council change(s) to Commission recommendation:</u>
 - a. None

VII. EXHIBITS

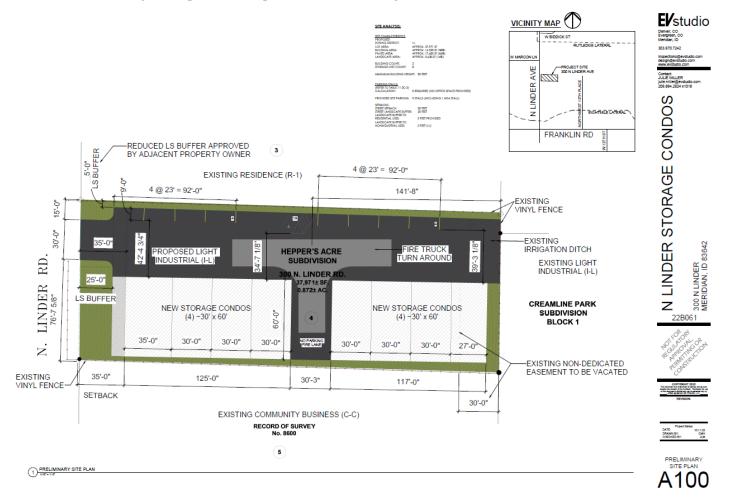
A. Existing Development Agreement Provisions – Proposed Changes Shown in Strike-out/Underline format

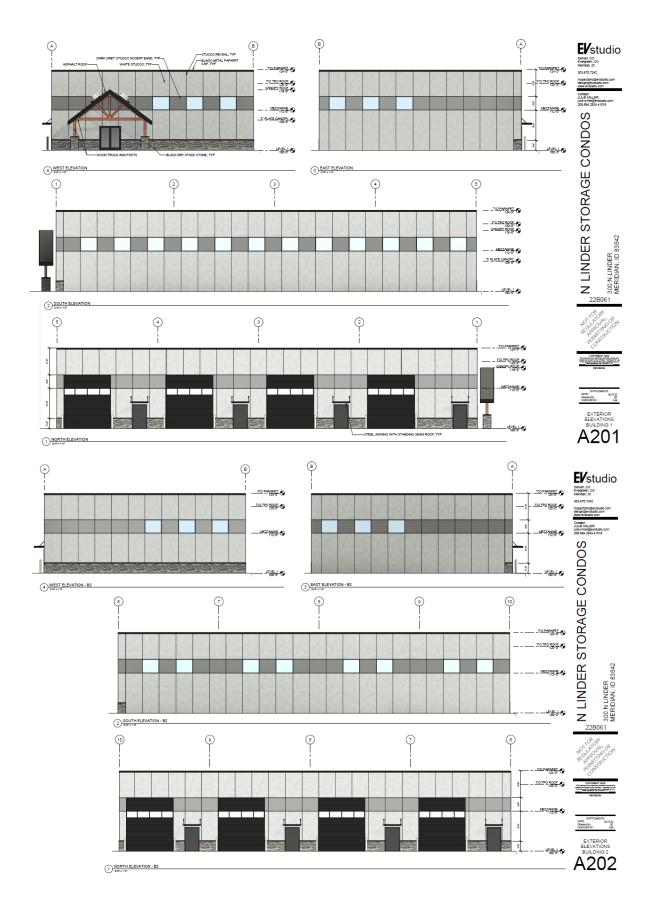
- 4. USES PERMITTED BY THIS AGREEMENT: This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.
 - 4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.
 - 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:

- 5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:
 - a. Future development of this site shall be generally consistent with the conceptual development plans included in Section VIII of the Staff Report attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit "B," Unified Development Code Standards, design standards in the Architectural Standards Manual, and the provisions contained herein.
 - b. Comply with the specific use standards for <u>warehouse facilities (UDC 11-4-3-42)</u>, self-service storage facilities <u>listed in (UDC 11-4-3-34)</u>, flex space facilities (UDC 11-4-3-18) and the standards for self-service uses in UDC 11-3A-16, as applicable.
 - c. The existing driveway via N. Linder Rd. Shall be closed and a new driveway constructed in alignment with the driveway on the west side of N. Linder Rd., unless otherwise approved by the City and ACHD.
 - d. A driveway stub shall be constructed to the northern property line and a cross-access/ingress-egress easement granted to the property to the north (Parcel #R3579000015) in accord with UDC 11-3A-3A.2. A copy of the recorded easement should be submitted to the Planning Division with the Certificate of Zoning Compliance application for the proposed use.
 - e. A driveway stub shall be constructed to the southern property line and a cross-access/ingress-egress easement granted to the property to the south (Parcel #R3579000025) in accord with UDC 11-3A-3A.2. A copy of the recorded easement should be submitted to the Planning Division with the Certificate of Zoning Compliance application for the proposed use.
 - f. A 5-foot-wide buffer shall be provided to the residential land use to the north (Parcel #R3579000015), landscaped per the standards listed in UDC 11-3B-9C, as approved by City Council with consent from the property owner to the north. *Note: The City Council approved a reduced buffer width from 25 feet to 5 feet.*
 - g. Mitigation is required for existing trees on this site that are removed as set forth in UDC 11-3B-10C.5.
 - h. The sStorage facility hours of public operation, if developed on the site, shall be limited to 6:00 a.m. to 11:00 p.m. as set forth in UDC 11-4-3-34E as long as the property abuts a residential district.
 - i. Future structure(s) on the site shall comply with the non-residential design standards in the Architectural Standards Manual for commercial districts (i.e., CD).
 - j. The existing irrigation ditch on the eastern portion of the site shall be piped or otherwise covered as set forth in UDC 11-3A-6.
 - k. A flood plain development permit with base flood elevations and flood protection elevations shall be required with a future development application.

B. Existing Conceptual Development Plan & Building Elevations





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SIDE PERSPECTIVE VIEW



1) FRONT PERSPECTIVE VIEW

EVstudio Denver, CO Evergreen, CO Meridian, ID 303.670.7242

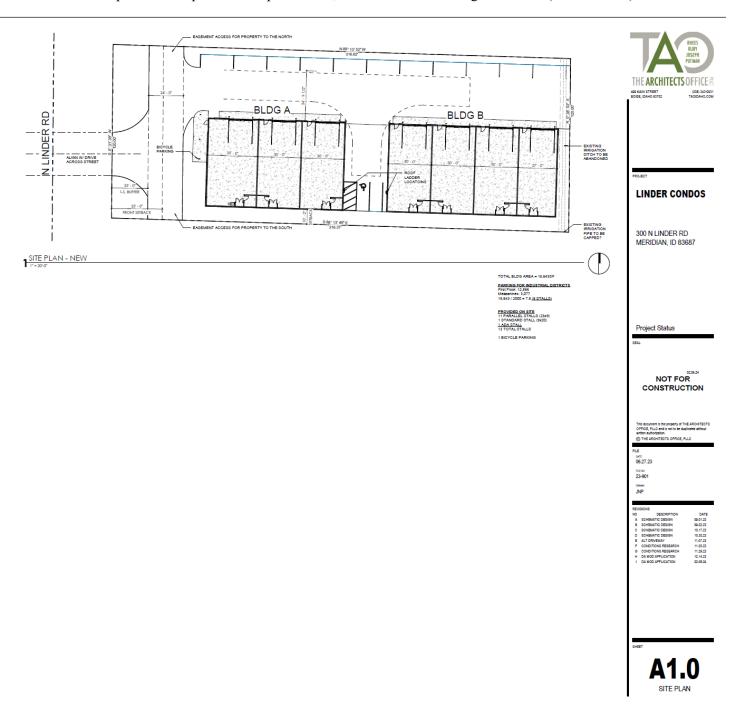
Contact: JULIE MILLER Julie millen@evstudio. 208.884.2824 x1018

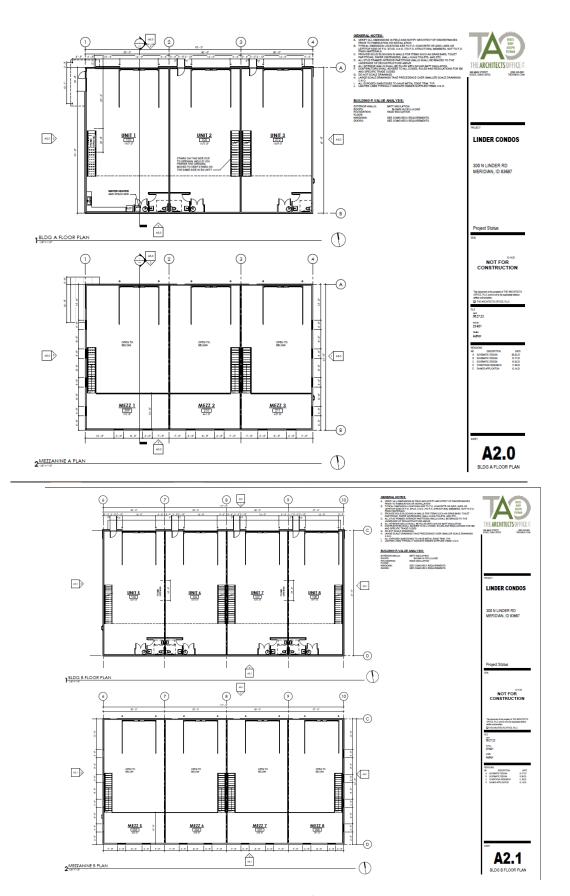
N LINDER STORAGE CONDOS

300 N LINDER MERIDIAN, ID 83642

PERSPECTIVE VIEWS A203

C. Proposed Conceptual Development Plan, Floor Plans & Building Elevations (dated: 2/6/24)





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