

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



In the Matter of the Request for Modification to the Existing Development Agreement (AZ-05-019 Dorado Subdivision – Inst. #105127512) to Include Residential Care Facilities as an Allowed Use on the Site, by Hatch Design Architecture.

Case No(s). H-2022-0044

For the City Council Hearing Date of: August 9, 2022 (Findings on August 23, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of August 9, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of August 9, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of August 9, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of August 9, 2022, 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 August 9, 2022, 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 August 9, 2022, 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 August 9, 2022

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL VICE PRESIDENT JOE BORTON VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER TREG BERNT 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.

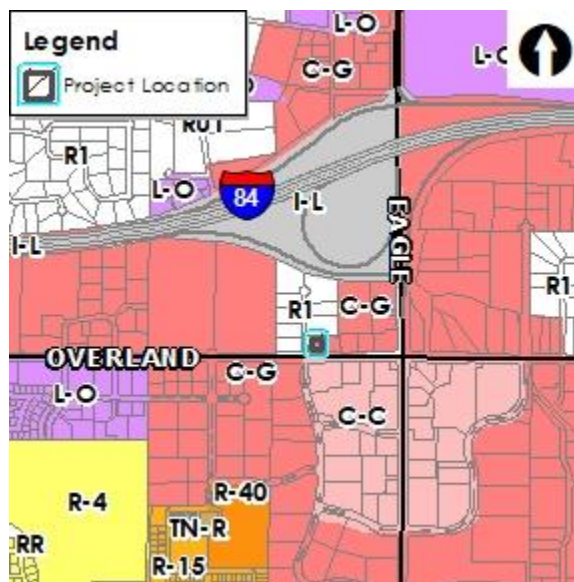
By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: August 9, 2022
TO: Mayor & City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: H-2022-0044
Brightstar Overland (aka Dorado Subdivision)
LOCATION: 2940 E. Overland Rd., in the SE 1/4 of Section 17, T.3N., R.1E.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (AZ-05-019 Dorado Subdivision – Inst. #105127512) to include residential care facilities as an allowed use on the site.

II. SUMMARY OF REPORT

A. Applicant:

Steve Thiessen, Hatch Design Architecture – 200 W. 36th St., Garden City, ID 83714

B. Owner:

Devin Morris, Alturas Capital Partners – 500 E. Shore Dr., Ste. 120, Eagle, ID 83616

C. Representative:

Jeff Hatch, Hatch Design Architecture – 200 W. 36th St., Garden City, ID 83714

III. NOTICING

	City Council Posting Date
Notification published in newspaper	7/24/2022
Notification mailed to property owners within 300 feet	7/22/2022
Applicant posted public hearing notice on site	7/29/2022

EXHIBIT A

Nextdoor posting

7/29/2022

IV. STAFF ANALYSIS

The existing Development Agreement (DA) (AZ-05-019 Dorado Subdivision – Inst. #[105127512](#), amended with H-2016-0131 – Inst. #[2017-007434](#)) is proposed to be amended to include residential care facilities as an allowed use on the site (Lot 1, Block 1, Dorado Subdivision). This will be the second addendum/modification to this DA.

A provision (#5.1.6) of the original DA limits uses within the overall Dorado Subdivision to restaurant, retail, hotel, banks and office uses. The applicant proposes to amend this provision to include residential care facilities as an allowed use. Per UDC [Table 11-2B-2](#), residential care facilities are listed as a conditional use in the C-G zoning district and are subject to the specific use standards listed in UDC [11-4-3-29](#). Approval of the proposed modification to the DA will allow the Applicant to submit a conditional use permit application for the proposed use and proceed forward with development if approved.

Single-family residential uses exist to the north of this site and across S. Loder Pl. to the west in Overland Way subdivision. Due to the residential nature of the proposed use, Staff is of the opinion it would be an appropriate use adjacent to existing residential uses. Therefore, Staff is supportive of the proposed amendment to provision #5.1.6 of the DA, as follows: “Allowed uses are restaurant, retail, hotel, banks, ~~and office,~~ and residential care facilities.”

V. DECISION

A. Staff:

Staff recommends approval of the modification to the DA with the change noted above in Section IV.

C. The Meridian City Council heard this item on August 9, 2022. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

- a. In favor: Jeff Hatch
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Jeff Hatch
- e. Staff presenting application: Sonya Allen
- 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