

**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 (Inst. #2019-124424) to Update the Conceptual Development Plan to Include a Daycare Facility instead of a Retail Use and Removal of the 3-Story Office Building in Favor of a Smaller Retail/Office Building, by Gold Stream.

Case No(s). H-2021-0095

For the City Council Hearing Date of: February 22, 2022 (Findings on March 8, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of February 22, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of February 22, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of February 22, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of February 22, 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 February 22, 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 existing Development Agreement (Inst. #20190124424) is hereby approved per the conditions of approval in the Staff Report for the hearing date of February 22, 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. 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 February 22, 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.

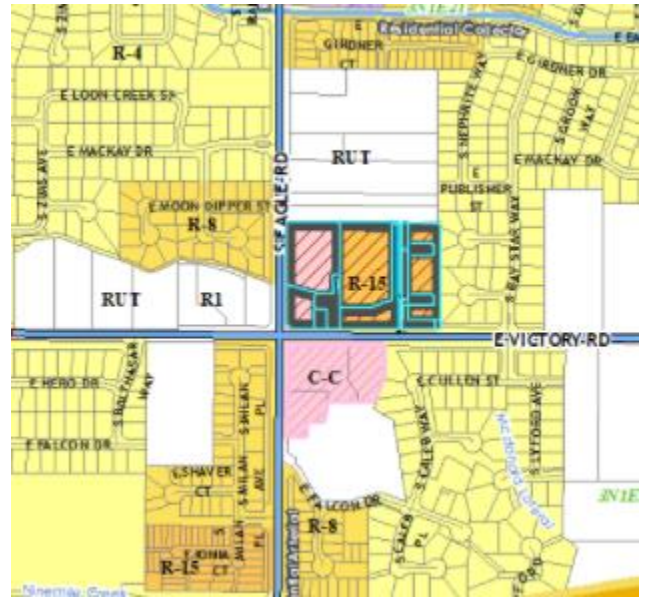
By: _____ Dated: _____
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 2/22/22
TO: Mayor & City Council
FROM: Sonya Allen, Associate Planner
208-884-5533
SUBJECT: H-2021-0095
Inglewood Commercial
LOCATION: 3330 E. Victory Rd., in the SW 1/4 of
Section 21, T.3N., R.1E.



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (Inst. #2019-124424) to update the conceptual development plan to include a daycare facility instead of a retail use and removal of the 3-story office building in favor of a smaller retail/office building.

II. SUMMARY OF REPORT

- A. Applicant:
Clint Tolman, Gold Stream – 197 W. 4860 S., Murray, UT 84107
- B. Owner:
James Petersen – 197 W. 4860 S., Murray, UT 84107
- C. Representative:
Emily Muller, Gold Stream – 197 W. 4860 S., Murray, UT 84107

III. NOTICING

	City Council Posting Date
Notification published in newspaper	2/6/2022
Notification mailed to property owners within 300 feet	2/3/2022

EXHIBIT A

Applicant posted public hearing notice on site	2/11/2022
Nextdoor posting	2/3/2022

IV. STAFF ANALYSIS

The Applicant proposes to modify the existing Development Agreement (DA) (H-2019-0099, Inst. #2019-124424) in effect for this property to update the conceptual development plan approved for the overall development.

The existing conceptual development plan depicts a mix of uses including a 3-story nursing/residential care facility with independent living, assisted living and memory care in the center of the development with single-family attached homes for independent living to the east; a 12,300 square foot (s.f.) 3-story office is depicted on the west side of the senior living facility; and retail/commercial uses are depicted on the 3 pads along S. Eagle Rd. (see plan in Section VI.A).

No changes to the retirement community or the two retail/commercial building pads at the southwest corner of the site are proposed, except to enlarge the northern building pad and include office as a possible use. The pad at the southwest corner of the site is planned to develop with a drive-through restaurant (i.e. coffee shop) with indoor and outdoor seating. The 3-story office building is proposed to be removed as there is not adequate space for the building and there is a sewer easement in the middle of the roadway and through where the building is depicted; and a daycare is proposed in place of the northern retail pad (see plan in Section VI.B). The Applicant's narrative states that walkways are planned from the daycare to the senior living as part of the plan is for children to visit the seniors.

The proposed development plan, which includes a mix of residential and commercial (retail/office/restaurant/daycare) uses, demonstrates compliance with the Mixed Use – Community (MU-C) Future Land Use Map (FLUM) designation in the Comprehensive Plan for this site. The proposed uses will provide employment opportunities and services for those living nearby.

The existing DA provisions will ensure supportive and proportional public and/or quasi-public spaces, including but not limited to parks, plazas, outdoor gathering areas, open space, etc. is provided within the mixed use/commercial portion of the development.

V. DECISION

A. Staff:

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

B. The Meridian City Council heard this item on February 22, 2022. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

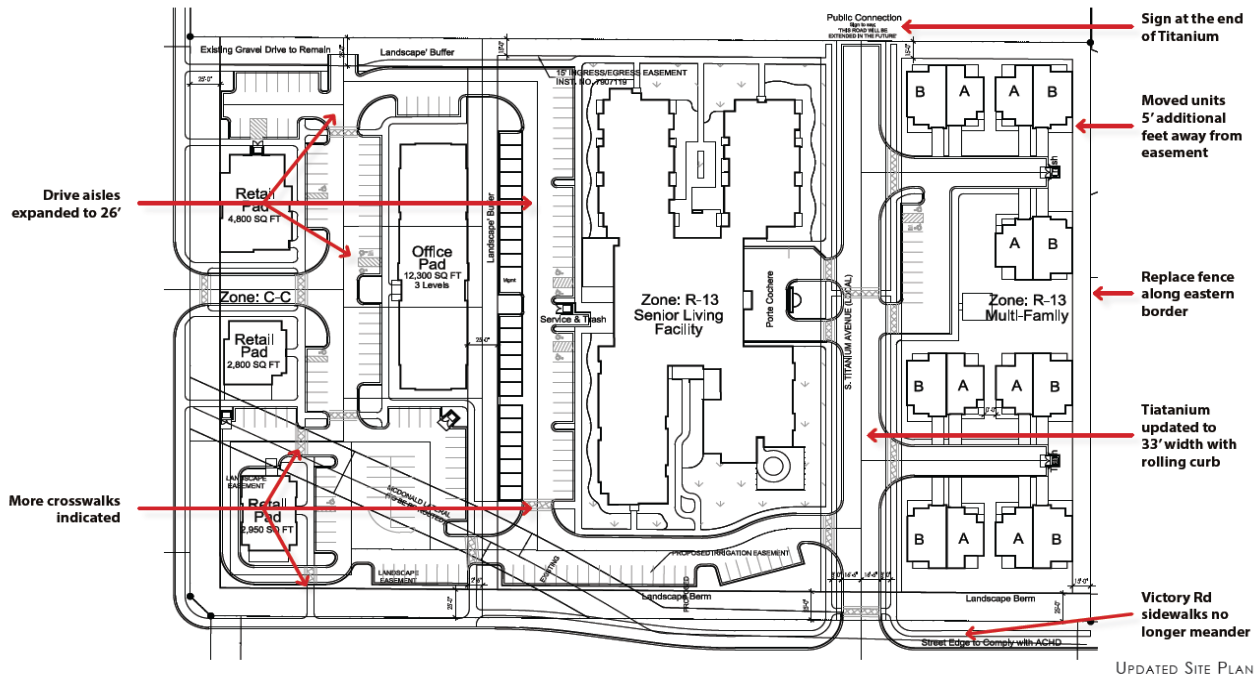
- a. In favor: Jim Petersen, Gold Stream
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: Clint Tolman, Gold Stream (in agreement with staff report)
 - e. Staff presenting application: Joe Dodson
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. Existing site conditions and development plans for the overall site.
 3. Key issue(s) of discussion by City Council:

EXHIBIT A

- a. Pedestrian connectivity within the site and with adjacent residential development to east (there are no pathway stubs to this site):
- b. Vehicular access for the proposed daycare facility.
- 4. City Council change(s) to Commission recommendation:
 - a. None

VI. EXHIBITS

A. Existing Conceptual Development Plan & Perspective Elevations



INGLEWOOD PLACE SUBDIVISION

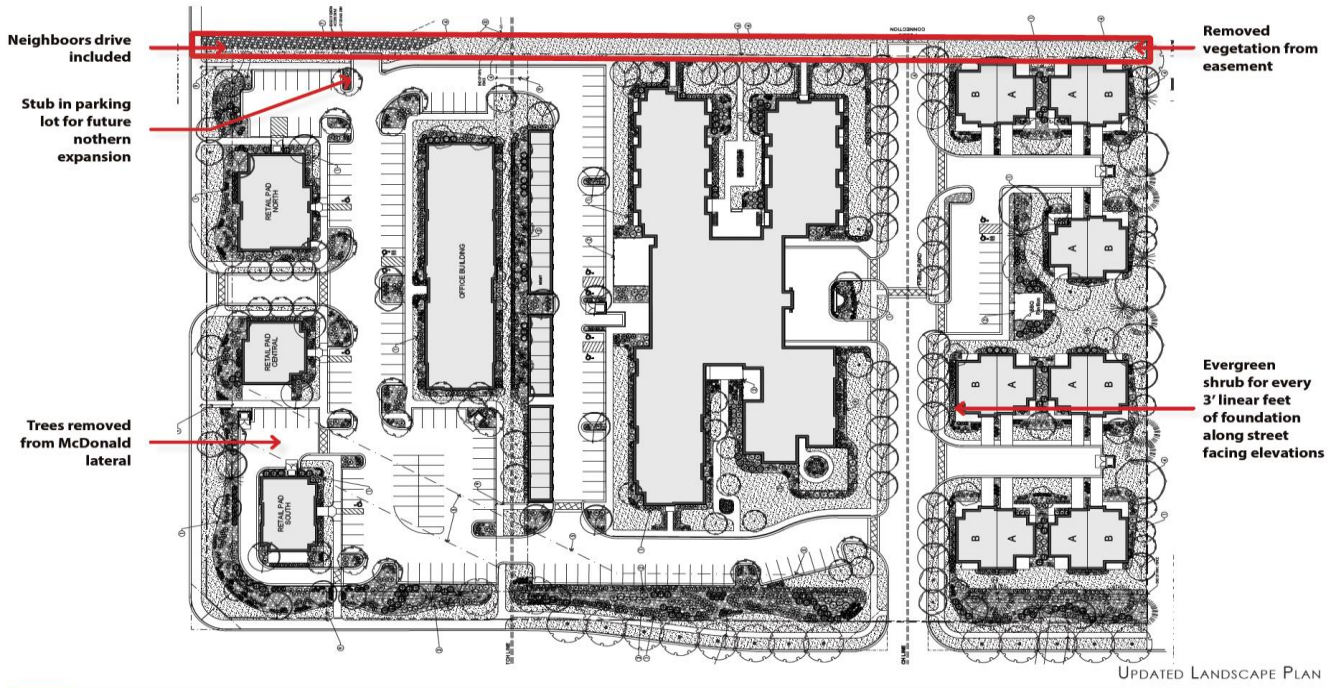
Meridian, Idaho

UPDATED SITE PLAN

Nov 7, 2019

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION

EXHIBIT A



INGLEWOOD PLACE SUBDIVISION

Meridian, Idaho

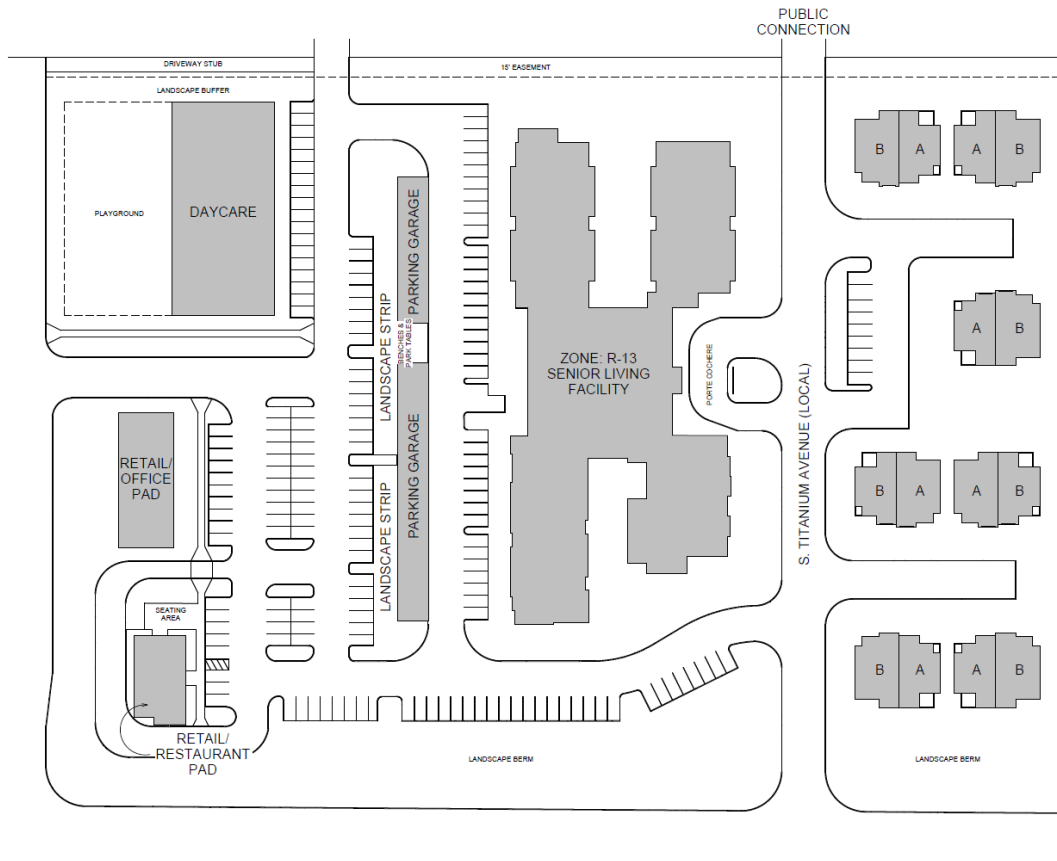
Nov 7, 2019

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



EXHIBIT A

B. Proposed Conceptual Development Plan



INGLEWOOD PLACE SUBDIVISION
04/20/2019

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