

**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 (H-2015-0024, Inst. #2016-106278; H-2019-0016, Inst. #2019-028379) to Remove the Subject Property from the Agreement and Include it in a New Agreement with an Updated Conceptual Development Plan for Watts Meridian Medical Partners by Rigby Watts & Co.

Case No(s). H-2023-0075

For the City Council Hearing Date of: February 20, 2024 (Findings on March 5, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of February 20, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of February 20, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of February 20, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of February 20, 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 February 20, 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 development agreement is hereby approved per the provisions in the Staff Report for the hearing date of February 20, 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 February 20, 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 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: February 20, 2023

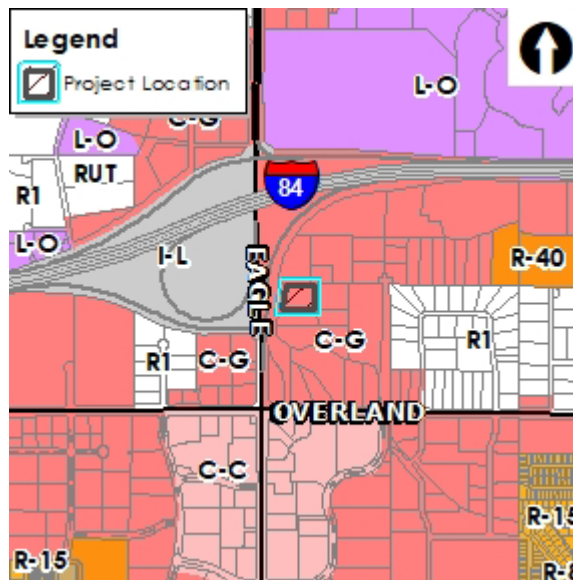
DATE:

TO: Mayor & City Council

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

SUBJECT: [H-2023-0075](#)
Watts Meridian Medical Partners –
MDA

LOCATION: 1256 S. Rackham Way, in the SW 1/4 of
Section 16, T.3N., R.1E. (Parcel
#R6819240215)



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement (H-2015-0024, Inst. #2016-106278; H-2019-0016, Inst. #2019-028379) to remove the subject property from the agreement and include it in a new agreement with an updated conceptual development plan.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	2.53-acres
Future Land Use Designation	Mixed Use – Regional (MU-R)
Existing Land Use	Vacant/undeveloped
Proposed Land Use(s)	Healthcare or social service (i.e. medical offices) and/or professional service
Current Zoning	C-G (General Retail & Service Commercial)
Proposed Zoning	NA
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date	12/11/23
History (previous approvals)	Annexation Ordinance #719; H-2015-0024 (Eagle Commons at Overland – DA Inst. #2016-106278); H-2017-0061 (Oxygen Sub. #1 SHP); H-2017-0062 (Oxygen Sub. #2 SHP); H-2017-0063 (Oxygen Sub. #3 SHP); H-2019-0016 (Amended DA Inst. #2019-028379); PBA-2021-0008 (ROS #13005)

III. APPLICANT INFORMATION

A. Applicant:

Adam Watts, Rigby Watts & Co. – 2221 South 2000 East, Salt Lake City, UT 84106

B. Owner:

Reves, LLC – 909 S. Allante Pl., Boise, ID 83709

C. Representative:

Same as Applicant

IV. NOTICING

	City Council Posting Date
Newspaper notification published in newspaper	2/4/2024
Radius notification mailed to property owners within 300 feet	2/20/2024
Public hearing notice sign posted on site	1/13/2024
Nextdoor posting	2/5/2024

V. STAFF ANALYSIS

The Applicant proposes to modify the existing Development Agreement (DA) (H-2015-0024 Eagle Commons at Overland – DA Inst. #2016-106278) required with annexation of the property in 1995 (Ordinance #719), which was later amended in 2019 (H-2019-0016 – Inst. #2019-028379), to update the conceptual development plan for the site. The existing DA covers a larger 73.5+/- acre area which is now under several different ownerships. For this reason, a new DA is proposed as part of the modification that will only apply to the subject 2.53-acre property.

The existing DA provisions and conceptual development plan is included in Sections VII.A and B below, respectively. The existing plan depicts one (1) commercial building pad on the site. The proposed plan depicts two (2) 2-story office buildings consisting of 22,000 square feet (s.f.) and 15,808 s.f. and associated parking and landscaping; a perspective drawing of the structures and site was also submitted as shown in Section VII.C below. The Applicant has also submitted a short plat application to subdivide the parcel into two (2) lots, one for each building, and associated parking, which is currently in process.

The proposed uses (i.e. healthcare or social services; or professional service) are listed as principal permitted uses in the C-G zoning district per UDC Table [11-2B-2](#). Future development is subject to the dimensional standards listed in UDC [Table 11-2B-3](#).

A cross-access easement and maintenance agreement exists for the overall development, including this site, which allows shared use of abutting drives and details the maintenance responsibilities associated with those drives (Inst. #[2020-003133](#)).

With the previous plats for Oxygen Subdivision, additional right-of-way (ROW) was dedicated for the expansion of S. Rackham Way to local street standards.

Staff has reviewed the existing DA provisions and most have either already been satisfied or are not

applicable to development of this site. Staff has included those that are still applicable with some modifications as applicable to this site in Section VII.D below for inclusion in the new DA.

VI. DECISION

- A. Staff: Staff recommends approval of the proposed Development Agreement modification as requested by the Applicant.
- B. The Meridian City Council heard these items on Feb. 20th. At the public hearing, the Council moved to approve the subject MDA request.
 - 1. Summary of the City Council public hearing:
 - a. In favor: Adam Watts, Applicant
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: Adam Watts, Applicant (in agreement with staff report)
 - 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

VII. EXHIBITS

A. Existing Development Agreement Provisions

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.

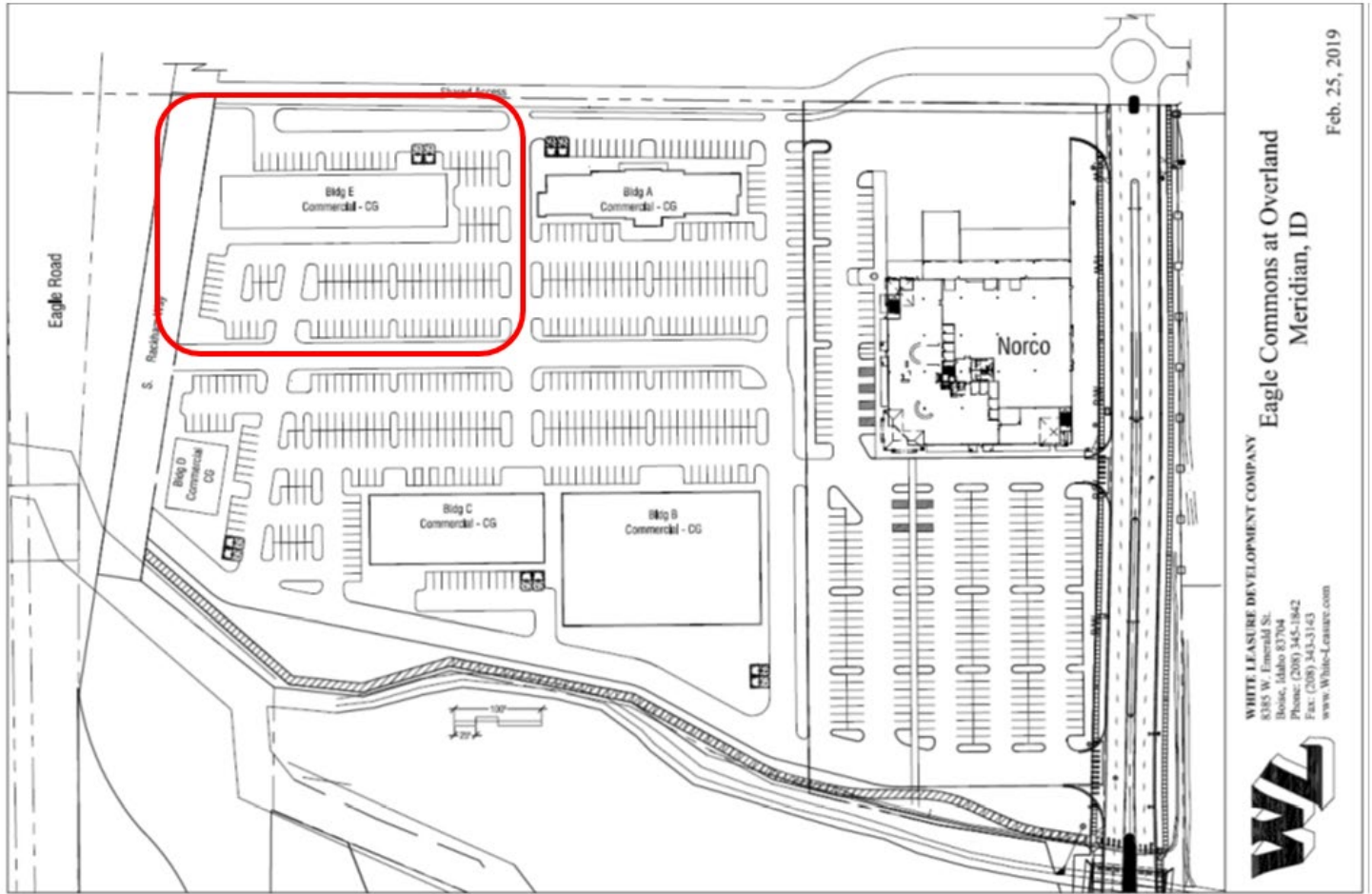
5. ***CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:***

5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:

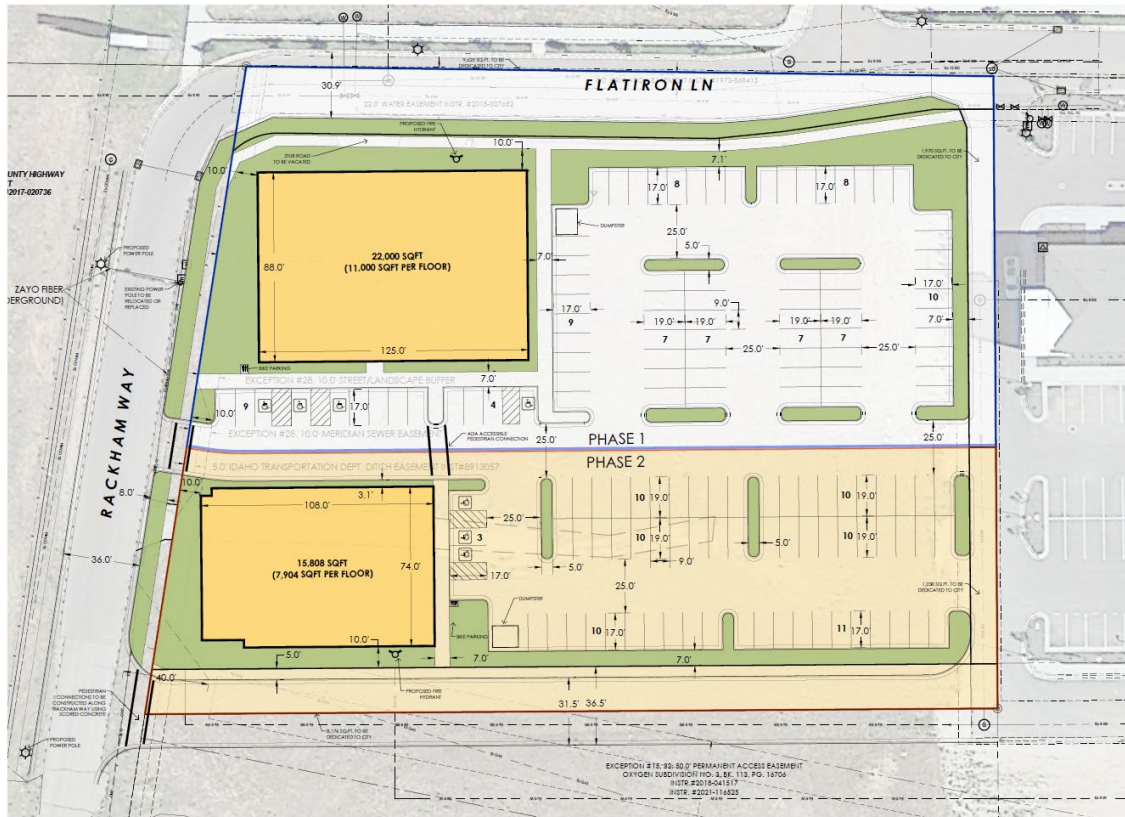
- a. The subject property shall develop in substantial compliance with the conceptual development plan included in Exhibit "A".
- b. A 10-foot wide multi-use pathway shall be constructed along the north side of the Five Mile Creek from the west to the east boundary of the site as set forth in the Pathways Master Plan. Landscaping is required to be installed on each side of the pathway along the creek in accord with the standards listed in UDC 11-3B-12C. A public pedestrian easement is required to be submitted to the City, approved by City Council and recorded for the multi-use pathway along the creek with the first phase of development.
- c. Minimum five-foot wide pedestrian walkways shall be provided internally within the site from the multi-use pathway connecting to the sidewalk along E. Overland Road and S. Rackham Way to the main building entrances with each phase of development; and for drive aisle lengths greater than 150 parking spaces or 200' away from the primary building entrances – internal pedestrian walkways should be distinguished from the vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4.
- d. The Five Mile Creek shall remain open as a natural amenity and shall not be piped or otherwise covered and shall be protected during construction. Fencing along the waterway shall not prevent access to the waterway, unless Council deems fencing should be required in the interest of public safety in accord with UDC 11-3A-6B.
- e. All future structures on the site and the layout of the site shall comply with the design standards listed in UDC 11-3A-19 and the guidelines listed in the Meridian Design Manual (or any updated versions thereof).
- f. Prior to any development occurring in the Overlay District, a floodplain permit application, including hydraulic and hydrologic analysis is required to be completed and submitted to the city and approved by the Floodplain Administrator, per MCC 10-6.
- g. All lighting proposed on the site shall comply with the standards listed in UDC 11-3A-11C. Light fixtures that have a maximum output of 1,800 lumens or more shall have an opaque top to prevent uplighting; the bulb shall not be visible and shall have a full cutoff shield; and shall be placed such that the effective zone of light (as documented by the photometric test report) shall not trespass on abutting residential properties.

- h. The developer shall dedicate additional right-of-way along the west property boundary to widen S. Rackham Way to local street standards with curb, gutter and sidewalk with subdivision of the property, unless S. Rackham Way is vacated.
- i. A street light plan will need to be included as part of the development plan submittal. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272
- j. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- k. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. The applicant may be eligible for reimbursement of costs associated with upsizing the sewer and water mains per MCC 8-6-5.
- l. Water modeling will be required prior to development plan submittal to determine the timing of completing the water main loop through the property from the existing 10-inch main stub at E. Overland Road and S. Silverstone Way to the existing 16-inch main adjacent to S. Rackham Way.
- m. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- n. The developer shall enter into a cross-access easement and maintenance agreement with the abutting property owner to the north for the east/west shared driveway adjacent the northern boundary of the site. A recorded copy of the easement agreement shall be submitted to the Planning Division prior to the issuance of the first Certificate of Occupancy for the development.

B. Existing Conceptual Development Plan



C. Proposed Conceptual Development Plan & Perspective Drawing



WATTS MERIDIAN MEDICAL PARTNERS SUBDIVISION concept plan

MERIDIAN CITY, ADA COUNTY
11/28/2023
23-S011



D. Staff Recommended Development Agreement Provisions

1. Future development of the subject property shall substantial comply with the conceptual development plan and perspective drawing included in Section VII.C and the provisions contained herein.
2. All future structures on the site and the layout of the site shall comply with the design standards listed in UDC 11-3A-19 and in the Architectural Standards Manual.