

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



In the Matter of the Request for Modern Craftsman MDA, by Baron Black Cat, LLC.

Case No(s). H-2022-0083

For the City Council Hearing Date of: January 17, 2023 (Findings on February 7, 2023)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of January 17, 2023, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of January 17, 2023, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of January 17, 2023, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 17, 2023, 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 January 17, 2023, 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 Modification to the Development Agreement is hereby approved per the conditions of approval in the Staff Report for the hearing date of January 17, 2023, 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 January 17, 2023

By action of the City Council at its regular meeting held on the _____ day of _____, 2023.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED _____

COUNCIL VICE PRESIDENT JOE BORTON VOTED _____

COUNCIL MEMBER JESSICA PERREAULT VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOHN OVERTON 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 1/17/2023

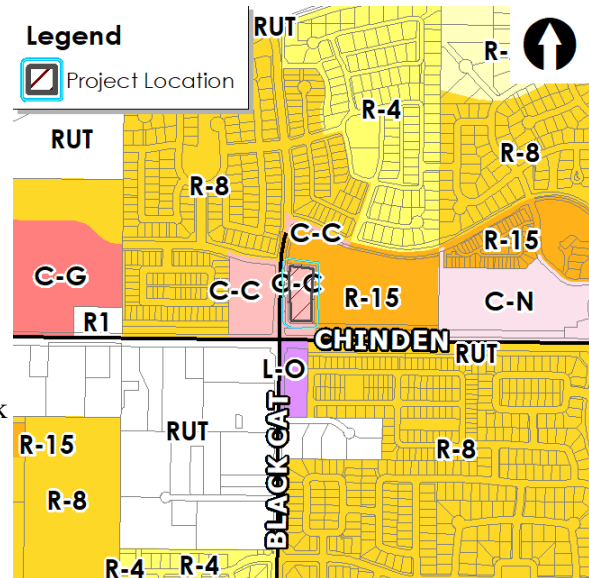
DATE:

TO: Mayor & City Council

FROM: Stacy Hersh, Associate Planner
208-884-5533

SUBJECT: H-2022-0083
Modern Craftsman MDA

LOCATION: Project is located at 4701 W. Caragana Lane, on the northeast corner of N. Black Cat Rd. and W. Chinden Blvd. (SH 20/26), in the SW 1/4 of the SW 1/4 of Section 22, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Request to modify the existing Development Agreement (Inst. #20-174161) provision regarding the two-story commercial building now proposed as a single-story structure with surface parking on 2.59 acres of land in the C-C zoning district.

II. APPLICANT INFORMATION

A. Applicant:

Brandon Sheltrown, HB Arch – Corner Office Design – 2997 E. Deerhill Drive, Meridian, ID 83642

B. Owners:

Ryan Sexton, Baron Black Cat LLC – 1401 17th Street, Suite 700, Denver, CO 80202 .

C. Representative:

Same as Applicant

III. NOTICING

	City Council Posting Date
Legal notice published in newspaper	12/28/2022
Radius notice mailed to properties within 500 feet	12/30/2022

Public hearing notice sign posted	12/19/2022
NextDoor Posting	12/30/2022

IV. STAFF ANALYSIS

History

The subject application encompasses one (1) parcel on the northeast corner of Black Cat Road and W. Chinden Boulevard. This parcel is part of a Development Agreement Modification in 2020 and was removed from an existing Development Agreement (DA) for the purpose of entering into a new DA with a new conceptual plan and building elevations (H-2020-00226, DA Inst. #2020-174261). The new Development Agreement consists of a Rezone of a total of 23.63 acres of land for the purpose of reducing the C-C zone from approximately 8 acres to 4.23 acres and increasing the R-15 zone from approximately 15.1 acres to 19.39 acres of land; a Short Plat consisting of 2 building lots and 2 common lots on 21.59 acres of land in the C-C and R-15 zoning districts; and a Conditional Use Permit for a multi-family development consisting of 196 residential units on 20.13 acres in the R-15 zone.

Development Agreement Modification

The approved DA (Inst. #2020-174261) includes a provision that requires the proposed commercial building located near the intersection of N. Black Cat Road and W. Chinden Boulevard to be constructed as a two-story structure. The two-story option, though a larger floorplate and building, provided only 5,185 square-feet of ground floor retail and active use area; the remaining 8,538 square feet is dedicated to a tuck-under parking area. Approximately 131'-0" of the Chinden Boulevard elevation is attributed to the parking garage which provides no active ground floor use along this extent of the façade. The Applicant believes that the parking garage prevents visibility to the ground floor retail areas from Chinden Boulevard limiting areas of tenant visibility; therefore, providing challenging leasing for the ground floor commercial area and flexible tenant layouts. Currently, the anticipated restaurant tenant and other potential retailers necessitate modifying the previous building design and parking quantities to be better align to meet the commercial market demands while lessening potential impacts on the surrounding neighborhood.

The Applicant is proposing a 7,004-square-foot one-story commercial building that is highly visible and establishes a cornerstone for the overall Modern Craftsman at Black Cat residential development. Tenant visibility is provided on all sides of the building to the retail and restaurant activities within the building. Additionally, a 563 square-foot outdoor covered patio area is planned for a restaurant tenant to use activating the façade along Chinden Boulevard by showcasing the restaurant activity within the building. The proposed building varies in parapet heights ranging from 25'8" and 22'0", presenting a ground-floor window height of 12'0" along all facades. The design echoes the previous quality design with the same modern/contemporary architectural materials originally presented such as stucco, cultured stone, composite wood, dark bronze aluminum storefront glazing, and standing seam metal roofing reflecting the similar quality and colorways of the overall Modern Craftsman at Black Cat Development. Staff has analyzed the parking using the restaurant standards requiring one (1) parking stall for every 250 square feet of gross floor area to ensure adequate parking. Per this standard, 28 parking stalls would be required if the site developed per the submitted revised concept plan and 42 parking stalls were provided. Additionally, the commercial square footage was a topic of discussion during the initial Hearing. Ultimately, Council agreed with Staff and required the two-story commercial building to ensure the MU-C (Mixed Use Community) area would develop with a higher commercial square footage to provide more of a balance with the proposed residential development on this site. Fundamentally, the Applicants proposal for a one-story building on this site includes more retail square footage than the required two-story building, as the two-story building

essentially provided less ground floor square footage for retail space, presenting the illusion it was larger due to the tuck-under parking area.

The Applicant is therefore requesting the following modification to provision 5.1.h:

“The proposed commercial building located near the intersection of N. Black Cat Road and W. Chinden Boulevard (SH20/26) shall be constructed as a ~~two-story~~ one-story structure as generally depicted in the revised concept renderings (see Exhibit VI.E), and as noted on the revised ~~CUP~~ Conceptual Site Plan on Exhibit C.”

Staff recommends the development agreement modification with the recommended changes in Exhibits E and C below.

V. DECISION

A. Staff:

Staff recommends approval of the proposed MDA per the modified provision in Section VI.B.

B. The Meridian City Council heard this item on January 17, 2023. At the public hearing, the Council moved to approve the subject MDA request.

1. Summary of the City Council public hearing:

- a. In favor: Elizabeth Koeckeritz, Givens Pursley; Ryan Sexton, Baron Properties; Greg Hector, Senior VP Construction Development for Baron
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Jamie Knight; Evelyn and Albert Joens
- e. Staff presenting application: Stacy Hersh
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Parking

3. Key issue(s) of discussion by City Council:

- a. Parking

4. City Council change(s) to Commission recommendation:

- a. None

VI. EXHIBITS

A. Existing DA Provisions

- e. Additional right-of-way shall be reserved for dedication to Idaho Transportation District for the future widening of Chinden Boulevard, as shown on the plat as Lot 1, Block 1.
- f. The required landscape street buffers shall be constructed and vegetated along the entire perimeter (along N. Black Cat and Chinden Boulevard) with the first phase of development.
- g. The Applicant shall vegetate the common lot (Lot 1, Block 1), reserved for future dedication to Idaho Transportation Department (ITD), with grass and not gravel until such time that this lot is dedicated to ITD.
- h. The proposed commercial building located near the intersection of N. Black Cat Road and W. Chinden Boulevard (SH 20/26) shall be constructed as a two-story structure as generally depicted in the submitted concept renderings (see exhibit VII.I) and as noted on the revised CUP Site Plan.
- i. The Vertically Integrated Residential Project area of the site shall adhere to the specific use standards as outlined in UDC 11-4-3-41.
- j. The required land use buffer between the C-C zoning district and the R-15 zoning district is hereby waived as approved by City Council; the minimum distance between buildings and across zoning districts is ten (10) feet per the multi-family specific use standards (UDC 11-4-3-27).

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

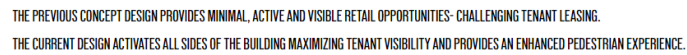
7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

B. Proposed Revisions to the existing Development Agreement Provision 5.1.h:

Staff's Recommended Changes:

“The proposed commercial building located near the intersection of N. Black Cat Road and W. Chinden Boulevard (SH20/26) shall be constructed as a ~~two-story~~ one-story structure as generally depicted in the revised concept renderings (see Exhibit VII.E), and as noted on the revised ~~CUP~~ Site Plan in Exhibit C.”

BLACK CAT (MODERN CRAFTSMAN) RETAIL - WERUDAN, ID - CONCEPT DESIGN COMPARISON - 15 NOVEMBER 2022



4



D. Previous 2-Story Elevations:

Item #5.

I. Corner Commercial Rendering – 2-story Concept



E. Proposed 1-Story Elevations:

