

Meeting of the Meridian Planning and Zoning Commission of August 21, 2014, was called to order at 6:00 p.m. by Chairman Joe Marshall.

Present: Chairman Joe Marshall, Commissioner Scott Freeman, Commissioner Steven Yearsley and Commissioner Patrick Oliver.

Others Present: Machel Hill, Bill Nary, Caleb Hood, Bill Parsons, and Dean Willis.

Item 1: Roll-Call Attendance:

Roll-call

<u> X </u> Steven Yearsley	<u> X </u> Patrick Olivern
<u> </u> Vacant	<u> X </u> Scott Freeman
	<u> X </u> Joe Marshall - Chairman

Marshall: Good evening, ladies and gentlemen. I'd like to welcome you to the regularly scheduled meeting of the Planning and Zoning Commission for August 21st, 2014, and would like to begin by asking for role.

Item 2: Adoption of the Agenda.

Marshall: All right. First thing on the agenda is the adoption of the agenda and the only -- well, it's not going to be a change to the agenda, but it's just an identifier in that Item 4-B, Jack City Fitness, CUP 14-012, has requested this application be withdrawn. Other than that, there are no changes to the agenda. Could I get a motion to adopt the agenda?

Freeman: Mr. Chair, I move that we adopt the agenda as amended.

Yearsley: Second.

Marshall: I have a motion and a second. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: ALL AYES.

Item 3: Consent Agenda

A. Approve Minutes of August 7, 2014 Planning and Zoning

Marshall: All right. Now that we have an agenda, the first thing on the agenda is the Consent Agenda, which only has the notes of August 7th, 2014, Planning and Zoning Commission Meeting. Any comments? Changes? Corrections? No? Seeing none, could I get a motion to approve the Consent Agenda.

Freeman: So moved.

Yearsley: Second.

Marshall: I have a motion and a second to approve the Consent Agenda. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: ALL AYES.

Marshall: All right. Now, we are to the Action Items. And at this point I would like to point out the process to all two people that are here in the audience. How this works is I will open each of these items one at a time, ask for the staff report. The staff will provide a report how everything meets the needs of the community, meets ordinance and code and things like that and their take on things. After that I will ask for the applicant to come forward. You will have 15 minutes to present your case, any additional information, things like that and if anybody shows up I will ask for public testimony and after which the applicant will have an opportunity to readdress anything that might have come up. And, then, we will close the public hearing and deliberate.

Item 4: Action Items

- A. Continued Public Hearing from August 7, 2014: MCU 14-003 Connections Credit Union at Ten Mile by Slichter Architects Located on the Southeast Corner of W. Pine Avenue and N. Ten Mile Road Request: Modify the Site Plan, Building Elevations and Certain Conditions of the Conditional Use Permit Approved for Connections Credit Union**

Marshall: So, with that I would like to open the public hearing for -- the continued public hearing for MCU 14-003, the Connections Credit Union at Ten Mile and ask for the staff report, please.

Parsons: Thank you, Mr. Chairman, Members of the Commission. First item on the agenda this evening is that conditional use modification for Connections Credit Union at Ten Mile. This site was before you -- or this project was before you in January 2014 -- so recently -- to receive your approval for a conditional use permit for two drive-thrus on two separate lots. Here is the approved site here on the graphic to the left here and I have highlighted here. For this purpose of this evening we are only going to be discussing the modification to the Connections Credit Union pad sight, which is the western paid site. The plat site you see on the east here, it still remains subject to the conditional use permit approved in January. As you can see here, the applicant has changed the orientation of the drive-thru uses. It was originally on the eastern portion of the building and it has since shifted to the west side. The applicant feels this actually increases the circulation into the site, it gives greater separation between the two drive-thru uses, meaning Fast Eddy's, which is currently to the south and a proposed drive-

thru and, then, also what it's allowed -- with this site design has also allowed the applicant to separate the employee parking from the customer service parking. So, folks will enter here. The main entrance of the building here, if you look at the elevations here, the main entrance of the building here, if you look at the elevations here, the main entrance here is located adjacent to the larger parking lot on the south side of the building. So, therefore, you have employees parking on the north side, cars going through the drive-thru and anyone wanting to do business into the building would enter on the south side and wouldn't have that conflict with the drive-thru. Staff has evaluated the revised reorientation of that drive-thru and we find that it still meets the specific use standards in the UDC. The one other item -- or an additional item that is changing as well is the landscape plan. At the time that you acted on the conditional use permit in January there was not a detail site -- or landscape plan. They did call out landscaped area, but they didn't have the amount of trees, the planting, for you to really look into that and see if it did meet UDC. While I am happy to present tonight, at least the connection to this site will have the required 25 foot buffers along -- not only Pine and Ten Mile, but have all the internal parking lot landscaping as well. The landscape before you this evening does meet the UDC standards and complies -- in compliance with that as well. One thing that I did point out in the staff report is if you looked at the site plan that was submitted you can see here that there is actually 45 degree angle parking and one way entry into the site, where the landscape plan doesn't quite match that, so we have conditioned the applicant to revise that with their submittal of the certificate of zoning compliance. So, we anticipate that the trash enclosure will be reoriented, that driveway will be striped one way, and, then, the parking angled at the 45 as shown in the site plan this evening. One other item that -- and the final item that's changing were the building elevations. At the time that they came forward they did show a rendering of an existing building that was built in another municipality. Since that time they have finalized their building design for the site. You can see here the previous elevations had a mix of brick, metal, stone accent walls and glazing and, then, the proposed elevations here, again, have a stucco component, have the brick, the stone accents, metal awnings, and, then, also some -- I think there is going to be some wood on this if I'm correct as well. No wood on this one? Okay. My apologies. So, metal, stucco, stone and brick. So, it should be pretty complimentary to what exists to the south with the Fast Eddy's site. Staff has not received any written testimony on this. The applicant is here to provide any additional information on the information. We are recommending approval of the modifications before you this evening and I would stand for any questions you have.

Marshall: Commissioners, any questions of staff? I'd like to ask for the applicant to come forward and I'm going to have to ask for your name and address for the record, please.

Schlicter: Yes. I'm Chad Schlicter, Schlicter Architects, 6611 Ustick in Boise. Okay. You know, Bill's done a pretty good job in presenting what we are asking for. Everything looks good to us. One thing that I did miss in the staff report that I just kind of pulled Bill aside beforehand -- on the landscape plan we actually show a raised planter bed right at the entry. We have pulled that off currently just for cost purposes,

but we still do have a seating area there and some planter component, it's just not a raised bed. If that's going to be a stickler, we can work around it and get it back in there, but currently we have actually pulled that off. Other than that we have no -- no comment at this point.

Marshall: Commissioners, any questions of the applicant?

Freeman: Thanks.

Marshall: Appreciate that. So, Mr. Pittney, you are the only one signed up to address this. Would you like to -- is there anyone that would like to address this? No? All right. So, Commissioners, I guess I don't need to ask the applicant back up to readdress any issues that came forward, so could I get a motion to close the public hearing?

Yearsley: Mr. Chairman, I'd move to close the public hearing.

Oliver: Second.

Marshall: I have a motion and a second to close the public hearing on MCU 14-003. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: ALL AYES.

Marshall: All right.

Parsons: Mr. Chairman? I'm sorry to interrupt you.

Marshall: Uh-huh.

Parsons: I did want to point out if it is your desire to not require the raised planter -- the condition -- one of the conditions of approval does state that we are looking for that feature to be part of the bank site. It was conditioned to incorporate the raised planter. I know the findings are on this evening. But I did at least want to bring that to your attention. If you feel the planter bed is appropriate, rather than having a raised planter, maybe we can just modify that slightly and, then, tomorrow morning I can get an updated staff report to the clerk to attach to the findings. But I did at least want to go on record and state that we have tied them to building that entry feature in front of the building.

Marshall: Thank you.

Freeman: Mr. Chair?

Marshall: Yes, Commissioner Freeman.

Freeman: Bill, which condition was that?

Parsons: Mr. Chairman, Members of the Commission, Commission Freeman, it would be condition 1.3, bullet number two.

Marshall: Then I would have to ask if we struck that bullet, would we have to rewrite the findings and conditions -- or Findings of Fact and Conclusions of Law? Could we approve those appropriately or -- Mr. Nary, maybe you could address that.

Nary: Mr. Chairman, Members of the Commission, I mean you can certainly make a motion to approve with the amendment that you wish and, then, we can supplement the record and that's fine.

Marshall: But the next item on is the Findings of Fact and Conclusions of Law and that could also be supplemented after the fact?

Nary: Yes.

Marshall: Thank you.

Parsons: Mr. Chairman? I'm not asking that you strike that condition wholly, just strike the requirement for the raised bed. We still want the decorative feature.

Marshall: Appreciate that. Thank you. Everybody clear on that, what staff's asking for?

Freeman: Yeah. It's just bullet point two that they are asking -- that could be stricken.

Yearsley: Well, I think he's just talking about the raised planter on that bullet point.

Freeman: Okay.

Marshall: Not the whole bullet point, but --

Yearsley: Yeah.

Parsons: I will show you the condition, how it reads here.

Freeman: I almost saw it.

Parsons: See this one here?

Yearsley: And you're just talking about removing the raised planter and leaving the rest of it there.

Parsons: Yeah. Just take out raised and leave planter.

Yearsley: Okay.

Parsons: You can leave planter and just knock out the raised portion.

Yearsley: All right.

Marshall: All right. Would anybody like to address this? I will jump in first, if you want. Personally, I'm a little torn on the project in that I was really really favorable of the drive aisle being out away from Ten Mile, but I also understand moving it towards the other side, because it does increase or improve traffic flow significantly. I like the layout and everything, I just -- I have a tendency to not want to see the drive aisles -- the stacked cars up against a major road like Ten Mile, because Ten Mile is becoming and going to become even more so a very influential major road in the area. To be honest, I'm not real fond of those up against major roads, but I have to admit the design flows significantly better. That's just -- those are my thoughts. Other than that I don't have any problems with it and --

Freeman: Mr. Chair?

Marshall: Commissioner Freeman.

Freeman: Yeah, your concern is noted. I guess I don't -- I'm not as concerned about it. Maybe because I like the landscape and we seem to have a really nice buffer there against both streets. I did want to follow up on this raised planter. Another question for Bill, I guess. The fact that it's part of the staff report and was specifically mentioned as part of the design has me curious and not so quick to accept that we just eliminate it. What -- were there conversations? Was there -- was there something in staff's opinion that required this, that made this a better project? I'm curious to hear more about why that was specifically noted in the staff report.

Parsons: Sure. Mr. Chairman, Members of the Commission, Commissioner Freeman, when we -- when Steve Eddy -- Fast Eddy's project was before you in 2010 and we were going through that rezone portion, the developer at the time didn't really have a clear vision on how the northern portion of the site was to develop and so when we modified that development agreement there was a provision that anything that developed north of Steve Eddy would have to be complimentary or equal to or better than Steve Eddy to the south and so when the Fast Eddy's came in there is a patio and a sitting area behind that convenience store that people use and it has a decorative feature, it has a rock retaining wall around it to kind of frame in that sitting area. So, it is a pretty -- an upscale seating area outside of that. So, when I saw that the applicant had proposed something similar to that to have an entry feature to kind of compliment or go with what Steve Eddy did on his site, it certainly made sense to tie them to that same design feature based on what we had them tied to in the development agreement and that's why staff felt it was appropriate to tie to what they showed on the plan.

Freeman: Thank you. My own opinion -- it seems like such a minor item in this project. However, having heard that and knowing that raised planters do tend to help create a

sense of space and separate space, frankly, I would like to see that raised planter stay in there and that's what I would propose. You're not on record as saying that, but if I make the proposal, I would like to see the raised planters stay and not strike out, because it's a very nice architectural feature. The fact that there was a requirement -- a reason why it was there, I think we could stick with that. And it's not a huge cost item. It's not something that's going to really hurt the project in my opinion financially. That's all from my end.

Yearsley: I have no comment.

Marshall: Commissioner Yearsley has no comments. Commissioner Oliver?

Oliver: I'm in favor of leaving in the raised planter as well.

Marshall: I think we are looking for a motion.

Freeman: I would be happy to make the motion.

Marshall: Commissioner Freeman.

Freeman: Mr. Chair, after considering all staff, applicant, and public testimony, I move to approve file number MCU 14-003 as presented in the staff report for the hearing date of August 21st, 2014, with no modifications.

Oliver: Second.

Marshall: I have a motion and a second to approve MCU 14-003 as in the staff report with no modifications. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: ALL AYES.

- 1. Findings of Fact and Conclusions of Law for Approval: MCU 14-003 Connections Credit Union at Ten Mile by Slichter Architects Located on the Southeast Corner of W. Pine Avenue and N. Ten Mile Road Request: Modify the Site Plan, Building Elevations and Certain Conditions of the Conditional Use Permit Approved for Connections Credit Union**

Marshall: All right. So, do we need to open up the Findings of Facts and Conclusions of Law separately, then, to approve that? So, I'd like to open up Findings of Facts and Conclusions of Law for approval for MCU 14-003 and see if I can get a motion.

Yearsley: Mr. Chairman, I propose that we approve or -- is it approve? The Findings of Fact and Conclusions of Law for MCU 14-003, Connections Credit Union.

Freeman: Second.

Marshall: I have a motion and a second to approve the Findings of Fact and Conclusions of Law for MCU 14-003. All those in favor say --

Freeman: I think we have a time out from the legal --

Marshall: Oh. Mr. Nary.

Nary: I was noticing in the agenda that although you have -- you are taking action on it they are not your agenda, so if the maker of the motion could amend your agenda to include them, so that way the agenda could be modified.

Marshall: They are on the --

Nary: Oh, I don't have that one. So -- okay. I'm sorry. I didn't have an amended agenda, I just had original one, so -- never mind.

Marshall: Okay. So, it looks like we are good. So, I have a motion and a second to approve MCU 14-003, the Findings of Fact and Conclusions of Law. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: ALL AYES.

**B. Public Hearing: CUP 14-012 Jack City Fitness by John Day
Located 1722 N. Avest Lane Request: Detailed Conditional Use
Permit Approval to Construct a 15, 500 Square Foot Indoor Arts,
Entertainment and Recreation Facility in a C-G Zoning District**

Marshall: All right. At this time I'd like to open the public hearing for CUP 14-012, Jack City Fitness by John Day and for the purpose of considering the applicant's request to withdraw the application. Can I ask for staff's update on this real quick?

Parsons: Mr. Chairman, Members of the Commission, I think in your packet I believe there is the letter from the applicant stating they were unable to get the project funded and so at time they don't feel comfortable moving forward. So, they had elected to -- informed me that they need the application to be withdrawn off the agenda. So, they are just looking for your acknowledgement of that.

Marshall: So, at this time I guess we have to acknowledge the withdrawal of that application. Could I get a motion to acknowledge that?

Yearsley: Mr. Chair, I move to acknowledge the removal of CUP 14-012, Jack Fitness from the agenda -- or from the --

Marshall: From its application.

Yearsley: From its application.

Freeman: Second.

Marshall: I have a motion and a second to acknowledge the withdrawal of CUP 14-012. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: ALL AYES.

C. Public Hearing: CUP 14-011 Fit Barre by Wade Pilling Located 4795 N. Summit Way, Ste. 130 Request: Conditional Use Permit Approval for an Indoor Recreation Facility (Dance/Fitness Studio) in an L-O Zoning District

Marshall: Next on the agenda is public hearing CUP 14-011 for Fit Barre by Wade Pilling and I'd like to ask for the staff report on that, please.

Parsons: Thank you, Mr. Chairman, Members of the Commission. Last item on the agenda this evening is the Fit Barre CUP. The applicant -- the site consists of 0.33 acres of land. Currently zoned L-O within the city. You can see here in the aerial that the site is an existing building here within an existing office park, so all the landscaping, the parking lot, all the buffers are in, access has been dictated per those previous approvals in '05. The applicant is here this evening to discuss operating an indoor recreation facility dance studio within the existing building here and here -- the approximate square footage of that tenant space is 1,200 square feet and in the L-O zone that particular use is classified as an arts, entertainment and recreational use and therefore it does require an action or approval of a conditional use permit to operate in that L-O zoning district. The staff did review the previous approvals on this site. We find that they are in alignment with all the -- with the requirements of the UDC. I would also mention to you that because everything around it is developed, meaning the parking lot, landscaping, building, there are no other site modifications or building modifications at this time, it's merely just a request to operate the user in the existing building. Staff did receive written testimony from the applicant in agreement with the conditions in the staff report. I would also mention to you that in the application submittal the applicant did propose hours of operation from Monday through Friday, 8:00 to 5:00. As you recall in the UDC, L-O zone is restricted to hours of operation between 6:00 a.m. and 10:00 p.m. So, they do fall within those parameters as well. As I mentioned to you, the applicant is in agreement with the staff report. To my knowledge there aren't any other outstanding issues before you this evening and I'd stand for any questions you have.

Marshall: Commissioners, any questions? Therefore, I would like to ask the applicant to come forward. And I apologize for calling you Mr. Pitting earlier. You crossed your

name out and I thought the L's were T's. Sir, I'm going to have to ask you to give your name and address for the record, please.

Pelling: Wade Pelling. And you want my home address?

Marshall: Either.

Pelling: 2148 West Tango Creek Drive, Meridian, Idaho.

Marshall: Thank you.

Pelling: So, he pretty summed it up. I own the building. I operate in half the building and I have a couple other suites in the building and previously we had a tenant in there that ran a fitness studio and health spa. They have since left and so the space is vacant and we decided to run it as a fitness studio that's a bar studio, technically, which is kind of a form of yoga for dancers, more or less, using a ballet bar. So, it's kind of more of a dance fitness thing. And we are just looking to keep the space as it was previously, but we need a conditional use permit for that.

Marshall: Commissioners, any questions?

Freeman: No questions.

Marshall: Thank you, sir. Okay. Looking out at the audience, I'm going to offer anyone to step forward and to speak, but it appears we have no one else to speak. So, Mr. Pelling, you won't get the opportunity to readdress anything. So --

Freeman: He doesn't get to rebut?

Marshall: No, not his own.

Freeman: Well, in that case, Mr. Chair, I'd move that we close the public hearing on CUP 14-001 Fit Barre.

Oliver: Second.

Marshall: I have a motion and a second to close the public hearing on 14-011. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: ALL AYES.

Marshall: So, Commissioners, your thoughts?

Freeman: Mr. Chair, it seems like an easy one to me. This is an appropriate use in this building. There is no reason to object, so I'm in favor of it.

Marshall: Thank you, Commissioner Freeman. Commissioner Yearsley.

Yearsley: Looks good to me.

Marshall: Commissioner Oliver?

Oliver: I agree. It looks fine.

Marshall: I, too, am in agreement. Therefore, maybe I can get a motion.

Freeman: Mr. Chair, after considering all staff and applicant testimony, I move to approve file number CUP 14-011 as presented in the staff report for the hearing date of August 21st, 2014.

Yearsley: Second.

Marshall: I have a motion and a second to approve CUP 14-011. All those in favor say aye. Opposed? That motion carries.

MOTION CARRIED: ALL AYES.

Marshall: Gentlemen, we have one last motion.

Yearsley: Mr. Chairman, I move that we adjourn.

Oliver: Second.

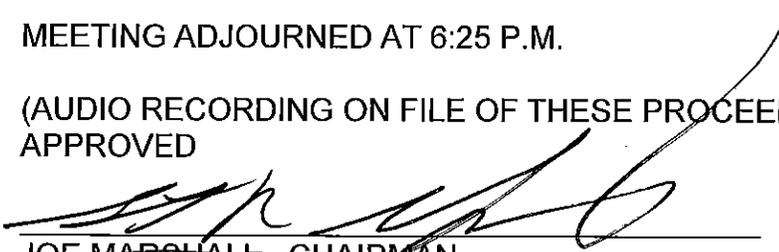
Marshall: I have a motion and a second to adjourn. All those in favor say aye. Opposed? That motion carries also.

MOTION CARRIED: ALL AYES.

Marshall: Thank you all.

MEETING ADJOURNED AT 6:25 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)
APPROVED



JOE MARSHALL - CHAIRMAN

Steven Yearsley, Vice

ATTEST:



JAYCEE HOLMAN, CITY CLERK

9 | 4 | 14

DATE APPROVED

