

Meeting of the Meridian Planning and Zoning Commission of May 15, 2014, was called to order at 6:00 p.m. by Chairman Joe Marshall.

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

Members Absent: Commissioner Steven Yearsley and Commissioner Macy Miller.

Others Present: Mabelle Hill, Ted Baird, Justin Lucas, Bill Parsons and Dean Willis.

Item 1: Roll-Call Attendance:

Roll-call

<u> X </u> Scott Freeman (via phone)	<u> </u> Macy Miller
<u> X </u> Patrick Oliver	<u> </u> Steven Yearsley
<u> X </u> Joe Marshall - Chairman	

Marshall: Good evening, ladies and gentlemen. I would like to welcome you to the regularly scheduled Planning and Zoning meeting for Thursday, May 15th, 2014, and begin with the roll. All right. Just so everybody is aware, we do have Commissioner Freeman on the phone. He is in attendance and we have a quorum.

Item 2: Adoption of the Agenda

Marshall: So, first item on the agenda is the adoption of the agenda and tonight I have no modifications to it. We only have two items here, so unless anybody has any comments, maybe I could get a motion to adopt the agenda.

Oliver: Mr. Chairman, I move to adopt the agenda.

Marshall: Commissioner Oliver moves to adopt the agenda. Do I have a second?

Freeman: Second.

Marshall: I have a motion and a second to adopt the agenda as written. All those in favor say aye. And that motion passes.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Item 3: Consent Agenda

- A. Approve Minute of May 1, 2014 Planning and Zoning Commission Special Meeting**

Marshall: So, first item on the agenda is the Consent Agenda and we have the minutes of May 1st, 2014, Planning and Zoning Commission meeting -- special meeting. Do I have any amendments to that, any comments?

Oliver: No.

Freeman: No.

Marshall: All right. Then, can I have a motion to approve the Consent Agenda of May 1st, 2014, as written?

Oliver: Mr. Chairman, I move to approve the Consent Agenda.

Marshall: I have a motion --

Freeman: Second.

Marshall: -- and second to approve the minutes of May 1st, 2014, with no modifications. All those in favor say aye. That motion passes.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: Now, onto the Action Items. Before we begin tonight I would like to say that I will ask for the staff report. Staff will provide background and information about the conditional use permit that's before us tonight and after they have provided their input I will ask for the applicant to come up and give any additional details and, then, I will ask for any public testimony, after which the applicant will have an opportunity to address any issues that might come up during that time and, then, the commission will close the public hearing, deliberate, and render a decision.

Item 4: Action Items

- A. Public Hearing: CUP 14-004 Knighthill Center Drive-Through by Renny Wylie Located Southwest Corner of N. Linder Road and W. Chinden Boulevard Request: Conditional Use Permit for a Drive-Through Establishment Within 300 Feet of a Residential District in a C-G Zoning District Approved – Prepare Findings of Fact and Conclusions of Law**

Marshall: So, at this time I would like to open the public hearing for CUP 14-004 and ask for the staff report, please, Bill.

Parsons: Thank you, Mr. Chairman, Members of the Commission. The next item on the agenda -- or the only item on the agenda this evening is Knighthill Center Drive-thru. This property is located on the southwest corner of Chinden Boulevard and Linder -- Chinden and Linder. In 2013 the Planning and Zoning Commission did act on a

preliminary plat application for this property that consisted of five commercial lots. As part of that application, the applicant was required to go through a development agreement modification and tie a new concept plan to that property. So, the site plan that's before you this evening is actually a condensed version of that approved concept plan and, actually, here in the -- I guess this -- the corner here that I have highlighted here is the approved concept plan that was acted on and approved by City Council with that DA modification. So, the focus of tonight's discussion is primarily the -- I'm calling it Lot 1, Block 1, as part of that subdivision. It's not final platted yet, but it is in process. So, for tonight's presentation I will call it Lot 1, Block 1, just to keep us referenced and where it's situated on the site. When the concept plan came through the layout that's before you this evening was similar to what the applicant is proposing. The only difference between that concept plan and this plan this evening was the applicant at that -- on the concept plan it showed actually one larger building, 15,000 square feet, and the site plan this evening shows two independent buildings, approximately 7,000 square feet each. So, the square footage is there, it's just not -- it's two buildings instead of one. So, staff has found that it is in compliance with the approved DA and the concept plan for that site. The only reason why we are here this evening is because of the drive-thru use, which is on the southern end of the building and the UDC, whenever we have a drive-thru establishment within 300 foot -- 300 feet of a residential district the UDC requires that the applicant go through a conditional use process and comply with specific use standards. In my staff report I did do an analysis -- a thorough analysis of that -- the drive-thru use and we did find that that drive-thru does comply with the UDC requirements. I would also mention to you that the site does have 86 parking stalls, which, again, is in excess of what the UDC requires. The only required parking would be 26. So, you can see that the applicant is actually providing parking in excess of what the minimum code would require. As to compatibility with the adjacent residential development, currently the only single family residence is along the south boundary here and if you recall during the discussion of the preliminary plat we did bring forth that -- that to your attention during that hearing and we wanted to make sure that we did have adequate buffering along the adjacent residential subdivision -- or the adjacent residence. We knew that would happen at lot development, so that's why tonight the applicant is proposing a 20 foot wide landscape buffer along that boundary. Typically the UDC does require a 25 foot buffer when C-G abuts residential zoning district, but during the preliminary plat hearing Council did allow a reduced landscape buffer along that boundary and so that's why this plan does have a 20 foot landscape buffer this evening. All of the access points for this development were approved with the preliminary plat. If you recall one approach was -- or one curb cut was approved at Linder Road and also the residential subdivision to the south has a public stub street that will be terminated -- extended in and terminated in a cul-de-sac or a sloop with the final platting of the property. You don't see it depicted on this plan, but the applicant is working with staff and ACHD on terminating that roadway as part of this final plat approval. On the landscape plan that you see this evening, it's pretty consistent with the UDC. In my staff report I did call out some changes to the landscape plan. We will require those changes at the certificate of zoning compliance and design review process. So, staff will be looking for that if you -- if it's your pleasure to approve the drive-thru use this evening. Here are the approved building elevations. If you recall

during the preliminary plat review the applicant also provided sample elevations for you to review. This building does align with the design themes that he presented to you as part of that preliminary plat and they are also tied to the recorded development agreement. So, again, these elevations are consistent with those. Our staff has asked for a couple modifications to the elevations that are called out in the staff report. We believe they add a little bit more -- add to the design by adding a few extra elements to that and having a cohesive lighting theme for the building. So, those requirements are, again, conditioned in the staff report. I did send the staff report to the applicant. I haven't heard whether or not he's in agreement with those conditions, but he is in the audience this evening. Staff has not received any written testimony from any of the surrounding residents in the area. As I mentioned to you, the site does comply with the UDC and we are recommending approval of the drive-thru establishment this evening. And I stand for -- oh, one last item before I close on the hearing. Because this property does abut the residential district, the UDC also restricts the hours of operations between the hours of 6:00 a.m. and 11:00 p.m. and that is conditioned in the staff report as well. With that I will stand for any questions you may have.

Marshall: Commission Oliver, any questions?

Oliver: No.

Marshall: Commissioner Freeman, would you have any questions of staff at this time?

Freeman: No, I don't.

Marshall: All right. Then I would like to ask the applicant to come up, please. And I'm going to ask for your name and address for the record, please.

Toolson: Chairman, Commissioners, Greg Toolson with JGT Architecture. 1212 12th Avenue South, Nampa, Idaho. We have read through the staff report and as suggested by staff this CUP is for a drive-thru because of proximity to the residential to the south and we believe that we have developed a good solution to the drive-thru, as I feel was expressed in the staff report. We provided a clear, unobstructed interior traffic circulation, with a strong visual and distance barrier to the residential to the south. We have provided a one-way traffic circulation pattern to avoid any conflicts and we are not required to have an escape lane through -- through this particular drive-thru lane, but due to our circulation pattern it could be used as such. Stacking lane is much greater than the required ten feet distance from the residential zone or approximately 92 feet away, which accesses onto the access road to Linder Road there and as mentioned by staff we have the 20 foot landscape buffer to the south across the drive. Outside of that all the other comments associated with the site and the landscape and the building design, we will certainly address during the CZC and design review application with staff. And with that I would stand for any questions.

Marshall: Commissioner Oliver, any questions of the applicant?

Oliver: No questions.

Marshall: Commissioner Freeman, do you have any questions of the applicant?

Freeman: No questions. Thanks.

Marshall: All right. Thank you. All right. Thank you very much.

Toolson: Thank you.

Marshall: Okay. Seeing how the three of you have been sitting together -- I'm guessing you're together, but I have a couple of people signed up. Is that Renny Wiley?

Wiley: Yes.

Marshall: Would you like to -- okay. Mike, I'm going to ask you to give your name and your address for the record, please.

Pena: You bet. Yes. My name is Mike Pena. My address is 2695 West Primelands Drive, Meridian, Idaho. I'm here to testify for the proposed drive-thru. I live in -- fairly close by in Bridgetower Subdivision. My family really enjoys the -- access to the commercial property. There is, like he says, kitty corner across the street a Fred Meyer and I think -- personally, it's kind of nice to do shopping close by in Meridian and not have to drive so far and it's just a very convenient location. Thank you.

Marshall: Thank you, sir. Do you have any questions of --

Oliver: No.

Marshall: -- of Mr. Pena? Commissioner Freeman?

Freeman: No questions.

Marshall: All right. Thank you, sir.

Pena: Thank you.

Marshall: All right. Mr. Wiley. Again, I'm going to have to ask for your name and address for the record, please.

Wiley: Renny Wiley. 1676 North Clarendon, Eagle, Idaho. 83616.

Marshall: Thank you.

Wiley: Thank you all for being here today, Members of the Commission. We will work with staff to try and alleviate any of their concerns or problems with the landscape. We

looked at -- been talking with Bill and he's come up with some great ideas for some -- some landscape issues that he brought up even over and above what he had in the report, so we are -- we'd like to put in a good, very nice project here. We think the area warrants it and we ask for your affirmative vote here on the CUP application. I will stand for any questions if there are.

Marshall: Commissioner Oliver?

Oliver: No questions.

Marshall: Commissioner Freeman, do you have any questions?

Freeman: No questions.

Marshall: Nor do I. Thank you, sir.

Wiley: Thank you.

Marshall: Seeing how the only other person I have signed up is Mr. Toolson, who was representing the applicant here and I have no one else in the audience -- was there anything you would like to address that came up during public testimony, sir? From audience he declines. Commissioners, that is all the public testimony I believe we are going to hear tonight. If you have any questions for anyone -- Commissioner Freeman?

Freeman: I don't have any questions. It seems pretty straight forward.

Marshall: All right. Thank you. I'm going overboard here, because I can't read your body language or any of your facial expressions while we have you through telecommunication means, so -- Commissioner Oliver, anything?

Oliver: I'm in agreement. No questions.

Marshall: Then, I think it's time for a motion to close the public hearing on CUP 14-004.

Oliver: Mr. Chair, I move to close the hearing on CUP 14-004.

Freeman: I second.

Marshall: I have a motion and a second to close the public hearing on CUP 14-004. All those in favor say aye. Opposed? And -- I think I said opposed before I gave Commissioner Freeman an opportunity to answer. Commissioner Freeman, that was in approval of closing the public hearing?

Freeman: Correct. I voted for approval of closing the public hearing.

Marshall: And thank you, sir. That was my fault for jumping the gun there. Thank you. All right. So, the public hearing is now closed.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: Any comments, Commissioners?

Freeman: Mr. Chair, it seems to be -- hopefully it's a solution to having the driveway close to a residential neighborhood. I'm in favor of this application.

Marshall: Thank you, Commissioner Freeman. Commissioner Oliver?

Oliver: I'm also in agreement. I believe it will work nicely.

Marshall: All right. It seems pretty straight forward, especially since this is how it was presented in the preliminary plat. I do appreciate the additional work done to -- on the landscaping and the like. Very much like to see those neighbors as happy as possible and personally I'm in favor. So, I'm looking for a motion.

Oliver: Mr. Chairman?

Marshall: Commissioner Oliver.

Oliver: I would like to make a motion -- after careful consideration of all staff, applicant, and public testimony, I move to approve file number CUP 14-004 as presented in the staff report for the hearing date of May 15th, 2014.

Freeman: I second.

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

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: Commissioners, there is one last motion I'm looking for.

Oliver: Mr. Commissioner?

Freeman: Go ahead.

Oliver: Mr. Chairman. I move to close our meeting.

Marshall: I have a motion.

Freeman: Second.

Marshall: And I have a second to close the public hearing. All those in favor say aye.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Marshall: Our meeting is adjourned. Thank you.

Baird: Just to clarify. The motion was to adjourn the meeting.

Marshall: Yeah.

Baird: It's implied. We are good.

Marshall: Thank you.

MEETING ADJOURNED AT 6:20 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED



JOE MARSHALL - CHAIRMAN

6 15 14
DATE APPROVED

ATTEST:



JAYCEE HOLMAN, CITY CLERK

