

**Meridian Planning and Zoning Meeting**

**June 2, 2016**

Meeting of the Meridian Planning and Zoning Commission of June 2, 2016, was called to order at 6:00 p.m. by Chairman Steven Yearsley.

Present: Chairman Steven Yearsley, Commissioner Gregory Wilson and Commissioner Ryan Fitzgerald.

Members Absent: Commissioner Rhonda McCarvel and Commissioner Patrick Oliver,

Others Present: Machel Hill, Andrea Pogue, Caleb Hood, Josh Beach and Dean Willis.

**Item 1: Roll-Call Attendance:**

Roll-call

<u>  X  </u>	Gregory Wilson	<u>  X  </u>	Patrick Oliver
<u>  X  </u>	Rhonda McCarvel	<u>  X  </u>	Ryan Fitzgerald
	<u>  X  </u>		Steven Yearsley - Chairman

Yeasley: Good evening, ladies and gentlemen. At this time we would like to call to order the regularly scheduled meeting of the Meridian Planning and Zoning Commission for the hearing date of June 2nd, 2016, and let's begin with roll call.

**Item 2: Adoption of the Agenda**

Yeasley: Thank you. First item on the agenda is the adoption of the agenda. I have no changes to the agenda, so with that I would entertain a motion.

Fitzgerald: Mr. Chair?

Yeasley: Commissioner Fitzgerald.

Fitzgerald: I would move for adoption of the agenda as printed.

Wilson: Second.

Yeasley: I have a motion and a second for the adoption of the agenda as printed. All in favor say aye. Opposed? Motion carries. Thank you.

MOTION CARRIED: THREE AYES. TWO ABSENT.

**Item 3: Consent Agenda**

- A. Approve Minutes of May 19, 2016 Planning and Zoning Commission Meeting**
- B. Findings of Fact and Conclusions of Law for Approval for Chinden and Linder Crossing - Retail Shell (H-2016-0046) by Nate Hosac Located Northwest Corner of Chinden Boulevard and N. Linder Road Request: Conditional Use Permit Approval for a Drive-Thru Establishment in a C-C Zoning District Within 300 Feet of Another Drive-Thru Facility and Existing Residences**
- C. Findings of Fact and Conclusions of Law for Approval for Sonic (H-2016-0045) by White-Leasure Development Company Located 1535 Celebration Avenue Request: Conditional Use Permit for a Drive-Thru Establishment on 0.84 of an Acre in a C-G Zoning District**

Yearsley: Next item on the agenda is the Consent Agenda and we have three items on that agenda today. The first one is to approve the minutes of the May 19th, 2016, Planning and Zoning Commission meeting. The Findings of Fact and Conclusion of Law for the approval of the Chinden and Linder Crossing Retail Shell, file number H-2016-0046. And the Findings of Fact and Conclusions of Law for approval of Sonic, file number H-2016-0045. Can I get a motion to approve the Consent Agenda if there are no changes?

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: I move we approve the Consent Agenda.

Fitzgerald: Second.

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

**MOTION CARRIED: THREE AYES. TWO ABSENT.**

Yearsley: Before we go onto the next item I kind of want to explain how this process will go today. We will open each item one at a time. The staff -- we will start off with the staff. They will present their findings regarding how the items adhere to our Comprehensive Plan and Uniform Development Code with staff recommendations. After the staff has completed their presentation the applicant will come forward to present their case for approval, their application, and respond to any staff comments. The applicant will have up to 15 minutes to do so. After the -- after that we will open it up to the public for public testimony.

Anybody wishing to testify -- there is a sign-up sheet in back -- will be given three minutes. If they are speaking for a larger group, like an HOA, they will be given up to ten minutes. After the audience has had a chance to testify we will invite the applicant to come back up and to respond to any comments and they will be given up to ten minutes to do so and, then, at that time we will close the public hearing and -- as the Commission and have an opportunity to discuss and deliberate and hopefully make a recommendation or approve on this item.

**Item 4: Action Items**

**A. Public Hearing for Starbucks Meridian Road (H-2016-0051) by Verdad Real Estate Located 1870 S. Meridian Road**

- 1. Request: Conditional Use Permit** for a Drive-Thru Establishment Within 300 Feet of a Residential Use and Another Drive-Thru on 0.80 of an Acre in a C-G Zoning District

Yearsley: And so with that I would like to open up file number H-2016-0051, the Starbucks in Meridian and let's begin with the staff report.

Beach: Good evening, chair, commissioners. This is, as you said, a conditional use permit application for a Starbucks restaurant. The reasoning for the conditional use permit is they are within 300 feet of a residential neighborhood, as well as another drive-thru, which requires a conditional use permit application. So, the site consists of .80 of an acre of land. It's currently zoned C-G and is located at 1870 South Meridian Road. To the north is commercial property zoned C-G. To the east is also commercial property, which is a recently approved auto repair business currently being constructed. Also zoned C-G. To the south is a dental office zoned C-G. And to the west is South Meridian Road and single family homes in the Elk Run Subdivision, which is zoned R-8. The subject property was granted preliminary plat approval in 2003 and final plat approval for Southern Springs Subdivision No. 2 was approved in 2005. The Comprehensive Plan future land use map designation for the property is commercial. The applicant has submitted an application for, as I said, a conditional use permit for a 2,200 square foot restaurant with a drive-thru for Starbucks, located in a C-G zoning district. The hours of operation are expected to be from 6:00 a.m. to 10:00 p.m. As I said, a conditional use permit is required per the UDC because the proposed drive-thru is located within 300 feet of an existing residential use. Running Brook -- Running Brook Estates to the east, as well as a drive-thru cleaners to the north. Access is proposed from the shared driveway for the commercial development via South Meridian Road. Direct lot access is prohibited via South Meridian Road. There is a 35 foot wide landscape buffer that currently exists along South Meridian Road, which is an arterial street, that was installed with the Southern Springs Subdivision No. 2. All existing

landscaping is required to be protected during construction. Parking lot landscaping is required to comply with the standards listed in UDC. In discussions with the applicant there are a couple of areas on the site plan that need to be improved slightly, but that's something we can get with a certificate of zoning compliance definitely, as well as there are some specific use standards required for drive-thru establishments and the proposed site plan meets those requirements. Building elevations were submitted for the proposed structure shown here. Primary building materials consist of stucco, six inch fiber cement board, a glass store front, brick veneer and metal awnings. Because the site is located on an entryway corridor staff believes additional design elements should be incorporated into the overall building design to insure compliance with the architectural standards manual and as you see in the staff report staff has indicated a number of areas with the architecture could be beefed up and the applicant has acknowledged seeing that as well and those are things that we can get through with the certificate of zoning compliance as well. Final design should substantially comply with the conditions of approval. And be consistent with the design standards listed in UDC and the architectural standards manual. Did not receive any written testimony on this application and staff is recommending approval of the application with the conditions in the staff report. I will stand for any questions you have on the application.

Yearsley: Thank you. Are there any questions? With that would the applicant like to come forward.

Boomer: I would. My name is Terry Boomer. I'm with Civil Consulting Engineers in Atlanta, Georgia. I have been working with Josh now probably on this project for about five months. We had another project in -- in play and this is the site that Starbucks selected based on location, visibility, and traffic. It's a good site. It's a small site, although it's .8 acres, the usable acreage is just under .6, because the property lines go to the center of the roadway. So, we were kind of hindered in our design and when you're putting a 2,200 square foot box on and there is -- and a .6 acre site, there is not a lot of give and take. We acknowledge the staff write up and the comments and we have no objection to that. I'm here with Michael Sagline with Verdad Vertical that can answer any operational issues or -- I don't want to give away the bank. If I promise that I will do everything that they say, I want to make sure that he confirms that. But I didn't see anything in the staff report that was objectionable. We have got good circular flow and the subdivision that the lot has been vacant for quite some time and I think we got a good user and a good economic use for -- for the parcel.

Yearsley: Thank you. Are there any questions?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: Sir, where is the -- on the drive-thru aisle -- I know you have an escape route to get out. Is there a -- where is the squawk box on the --

Boomer: If you will look in the very --

Fitzgerald: It is right there?

Boomer: -- portion of the -- correct.

Fitzgerald: Okay.

Boomer: Yeah.

Fitzgerald: Just wanted to make sure. Okay. Thank you.

Boomer: Yeah.

Yearsley: Any other questions? With that -- thank you very much.

Boomer: Thank you. Appreciate you hearing our case.

Yearsley: So, I have two people signed up. Is it Terry Boomer -- you're already there. And, then, Michael -- so with that is there anybody else that would wish to testify on this application? Please come forward. If you would, please, state your name and address for the record.

Jardine: My name is Barry Jardine and I'm the owner of the dental office right next to this lot and my concern was just -- I didn't know if I could get a copy of that plat to look at the parking, because that's our issue. A few years ago there was, you know, talk about trying to put a Sonic in there and they had allocated four parking spots for the whole restaurant, which all the parking would have overflowed into the dental office and the orthodontist office that was there and so that's just my concern is -- was to be able to look at that a little bit closer to see what the parking allocation for the Starbuck is, so that we are not having constant overflow into the dental and orthodontist parking.

Yearsley: Really quickly, Josh. How many parking spaces are provided?

Beach: Based on the size there is 19, including two handicap accessible spaces.

Yearsley: Okay. So, there are 19 spaces.

Jardine: And that 19 spaces includes staff parking, as well as patron parking?

Beach: Correct. They would have to. So, our code requires that pretty minimal parking actually. Commercial requires one for every 500 square feet. So, you're

right, in this case they would only be required about five parking spaces. They have included, you know, quite a bit more based on -- based on their need, but it definitely exceeds the requirement of the code.

Jardine: Okay. I was just hoping if I could maybe -- I don't know. I need to talk to --

Beach: Yeah. Sure.

Jardine: -- get a site plan of that?

Beach: Yeah.

Yearsley: Okay.

Jardine: Thank you.

Yearsley: Thank you. Is there anybody else wishing to testify? I guess with that would the applicant like to come back and -- and respond or at least verify that you have adequate parking.

Boomer: Sure. Well, you know, hopefully --

Yearsley: Into the mike, please, so --

Boomer: Hopefully, every business is so successful that we are overparked, but in this one we feel that this is not a destination, so much as a drive by and that we are not going to get to the -- the traffic in the same time frame that he is open for his business and the majority of the traffic is in the morning. They're going to drive by, they are going to get their coffee, go through the drive-thru and get on down the road to work hopefully. I do have a plan that I would like to give you and we will -- as we work with our neighborhood meeting together we will work through -- through whatever concerns he has as well.

Yearsley: Okay. Thank you. Are there any last questions? No. Thank you.

Boomer: Thank you.

Yearsley: With that can I get a motion to close the public hearing on file number H-2016-0051?

Wilson: Mr. Chair?

Yeasley: Commissioner Wilson.

Wilson: I move we close the public hearing.

Fitzgerald: Second.

Yearsley: I have a motion and a second to close the public hearing. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: Any comments or thoughts?

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: No, I think it -- I mean I think the -- it fits where it's going. I think the escape route that they have is good to let people get out if they need to. I appreciate the applicant's efforts to work with the neighbors on the parking issue. I know that's a big deal. But I think it -- it's a good fit and I think it will be -- it will do well in the traffic pattern that it's in. So, I think it looks great and I think -- as Josh said, the zoning compliance issues will take care of the architectural outside look, but Starbucks always does a nice job of putting together a nice product. So, I'm in favor.

Yearsley: Thank you.

Wilson: I agree, Mr. Chair. I think it looks good and I will be supporting it also.

Yearsley: Thank you. No, I think it looks good as well. I appreciate the applicant and the work that they have done and staff and so -- so with that I would entertain a motion.

Fitzgerald: Mr. Chairman?

Yearsley: Commissioner Fitzgerald.

Fitzgerald: After considering all staff, applicant, and public testimony, I move to approve file number H-2016-0051 as presented in the staff report for the hearing date of June 2nd, 2016.

Wilson: Second.

Yearsley: I have a motion and a second to approve file number H-2016-0051. All in favor say aye. Opposed? Motion carries. Congratulations.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: That's all on our agenda today. We have one last motion to make.

Wilson: Mr. Chair?

Yearsley: Commissioner Wilson.

Wilson: I move we close tonight's hearing.

Fitzgerald: Second.

Yearsley: I have a motion and a second to adjourn. All in favor say aye.

MOTION CARRIED: THREE AYES. TWO ABSENT.

Yearsley: We stand adjourned.

MEETING ADJOURNED AT 6:15 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

\_\_\_\_\_  
STEVEN YEARSLEY - CHAIRMAN

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DATE APPROVED

ATTEST:

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JACY JONES - CITY CLERK