

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, February 21, 2023, by Mayor Robert Simison.

Members Present: Robert Simison, Joe Borton, Jessica Perreault, Brad Hoaglund, Liz Strader and John Overton.

Members Absent: Luke Cavener.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Scott Colaianni, and Dean Willis.

**ROLL-CALL ATTENDANCE**

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglund	<input checked="" type="checkbox"/> John Overton
<input checked="" type="checkbox"/> Jessica Perreault	<input type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. For the record it is February 21st, 2023, at 6:00 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

**PLEDGE OF ALLEGIANCE**

Simison: Next item is the Pledge of Allegiance. If you will all, please, rise and join us in the pledge.

(Pledge of Allegiance recited.)

**COMMUNITY INVOCATION**

Simison: Next item up is the community invocation, which will be delivered this evening by Pastor Troy Drake. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Pastor.

Drake: Lord God, we just want to acknowledge how much we appreciate you and on behalf of everyone here we are just thankful that we have life and we live in this great country, despite its faults, Lord, we are thankful for the freedom that we have and -- and in this great city and we just appreciate what we have and -- and that it's warm here and we are clothed and fed. We just appreciate all those things that ultimately come from you. Your Word says that every good and perfect gift comes down from the Father of Lights. So, we appreciate that. God, we are just praying for peace in our city and safety for the citizens and, of course, those who enforce it, our -- our police officers. We just appreciate them. Pray that you keep them safe. As well as the -- the other first responders here and so, God, just for tonight we ask that you bless the -- the City

Council agenda and that you would be with the Mayor and all the Council Members and everyone else who supports that as they need your wisdom and your grace, God. And I just pray that all these men and women would -- would know how much you love them and it's in Jesus' name we pray, amen.

Simison: Thank you.

## **ADOPTION OF AGENDA**

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we adopt the agenda as published.

Overton: Second.

Simison: I have a motion and a second to adopt the agenda as published. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the agenda is adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

## **PUBLIC FORUM – Future Meeting Topics**

Simison: Mr. Clerk, do we have anyone signed up under public forum?

Johnson: Mr. Mayor, we did not.

## **ACTION ITEMS**

1. **Public Hearing for Franklin Annexation (H-2022-0090) by The Land Group, Inc., located at 2975 E. Franklin Rd.**
  - A. Request: Annexation of 2.53 acres of land with a C-C (Community Business) zoning district.

Simison: Okay. Then with that we will move on to Action Items. First item up is a public hearing for Franklin Annexation, H-2022-0090. We will open this public hearing with staff comments. Mr. Parsons.

Parsons: Thank you, Mayor, Members of the Council. First item on the agenda tonight is the Franklin Annexation. The application before you is for annexation of 2.53 acres of land currently zoned R-2 in Ada county and it's located at 2975 East Franklin Avenue. A little history on this particular site. In 2009 the city did process a Comprehensive Plan map amendment to change the future land use to commercial on this site. It was

originally intended to develop with the property to the -- to the west of it, the Jump Time piece, but at the time that it came through it was conceptual in nature and, then, the Jump Time -- the applicant that owns the Jump Time property actually had plans to develop that as an office park and a commercial node and did not move forward with that. In 2015 that plan was changed. And so now we are here tonight annexing in for this applicant as well. I would mention to you that a concept plan was submitted and there aren't any end users at this point in time. So, that comp -- again, that Comprehensive Plan designation is commercial and the applicant is requesting a C-C zoning district consistent with that property to the west. There are existing structures on the subject property that will be removed upon development and currently there are two curb cuts to the property that one will be closed and, then, one will be widened or improved when they actually have development proposed that will align with Olson Street across on Franklin Avenue. I had a chance to look at the ACHD staff report before I came tonight and wanted to let you know that ACHD didn't technically say it was approved, but they did say that they will look at that when there is actual development proposed. But, in theory, talking with the applicant, this is a safer situation to have this curb cut put in this location, because it's farther away from the intersection of Franklin and Eagle and it also aligns with the public street across Franklin Road. So -- and, then, as part of their application submittal when they go to develop this site they will have to reciprocate cross-access with the Jump Time property to their west. That was required with Jump Time and that agreement has been reciprocated to this property. So, hopefully, we will have both of those properties sharing and access and using each other's parking lot for cross-access for safer situation to the adjacent roadways. So, here is the conceptual development plan that the applicant is proposing. You can see there is two pad sites. One is approximately 3,300 square feet with a drive-through. I would mention to the Council that the drive-through is not approved. If -- if one is proposed for this site they will have to come back, do a conditional use permit and go through that process with the Planning and Zoning Commission and, then, the second pad site on the south boundary, the 12,400 square foot, potentially office. Retail use in the future, again, no end users. At the Planning and Zoning Commission it was discussed -- the design of this concept was brought up why the building was oriented the way it was and it was to provide that compatibility with the -- the adjacent residences and that's why you see it oriented north-south and, then, the parking up along some of the existing county residents as well and, then, also Commission was concerned that -- some of the residents came and testified and they were concerned about landscaping and fencing along the south boundary and the location of this trash enclosure here, if you can see my cursor. So, a lot of that came about -- Planning and Zoning Commission did recommend that this trash enclosure get located to a more central location. They felt that the building was in a correct orientation and as they go through the development process with the city the code does require that the applicant construct a 25 foot landscape buffer adjacent to any residential uses. That's -- that's important to note here and we will look at that at the time of certificate of zoning compliance and design review approval, if the applicant is successful with their annexation and executes the development agreement with the city. I would also mention to the Council that we -- when we pre-app'd with the applicant we did entertain a potential cross-access with the L-O property to the east. After looking at the existing site constraints -- there is a canal.

The close -- close proximity of that access point to Eagle Road. And, then, just where that decal lane starts in -- in front of that access point, we felt it wasn't a safe situation, that it was better to offer up the access on the west boundary here, rather than getting cross-access in this location here. But I would like to commend the applicant -- at least they went back to the drawing board and made sure that we could at least get pedestrian connectivity to that facility and to that L-O parking, which -- or to that L-O development, which is in compliance with the code as well. So, again, that will happen when actually lot development is proposed. So, I would let you also know that the Commission did recommend approval at their January 19th hearing. Tamara Thompson testified in favor of the application. Again that was adjacent neighbors that were concerned about compatibility, just landscaping, fencing and noise from the trash enclosure. Commission does want the applicant to continue to work with those residents to make sure there is adequate mitigation measures and they will do that when they go through the process with certificate of zoning compliance and design review. As I mentioned to you, Commission did recommend two new DA provisions as part of the recommendation. One Commission had asked staff at the Planning and Zoning Commission what the restrictions of height were on the adjacent development to the west. So, the Jump Time building itself was restricted to 35 feet and so to ensure that compatibility and be consistent with that approval, that was one recommendation that the Planning and Zoning Commission brought forward tonight, is that this 12,600 square foot building be limited to 35 feet in height. And, then, as I mentioned to you, a relocation of that trash enclosure to a more central location away from the resident. So, we anticipate something in here potentially the applicant can look at just having one central dumpster location for both tenants. May not need both of them. But they will continue to work with Republic Services when they finalize the exact location. Staff -- there are no outstanding issues with you and staff and Planning and Zoning Commission, again, have recommended approval and I will stand for any questions you may have.

Simison: Thank you, Bill. Council, any questions for staff? Okay. Would the applicant to come forward?

Thompson: Good evening, Mr. Mayor, Members of Council. My name is Tamara Thompson. I'm with The Land Group at 462 East Shore Drive in Eagle. Bill covered everything really well. He always does. But I will just go through a quick little overview. Again, the property is approximately 650 feet to the west of Eagle Road on the south side of Franklin. It consists of one parcel that's 2.53 acres that's currently used as a residence. That residents would be removed with redevelopment. The parcel does have a future land use designation of commercial and we are proposing a C-C zone, or Community Commercial, which is consistent with that future land use designation and it is the same as what the Jump Time is, too, to the west and, then, to the immediate east is an L-O on that hard corner of Eagle and Franklin. The main access point -- or the only access point to this property would be realigned with -- across from Olson, but that would not be a public street. Olson is a public street. It would just be a drive access to it and, then, cross-access to the west, too, and I will show you where that is on here. There we go. Kind of jumping around. But there is a recorded document that the Jump

Time did that has that cross-access just to the south of where their vacant pad is. So, we would provide that access on our side. The -- the properties to the south and a little bit to the east are the R-2 zoned properties. Those are in the county. When we had our neighborhood meeting was summer. Our concept plan looked different then than what you see today and we did make some changes based on comments from the neighbors and mainly we did have that, the -- the southern boundary covered with -- with the building and they asked us to move that so that they would still have some view corridors there. And, then, this is our concept plan. I colored it in on the -- on the landscape setbacks. I think on that southern boundary those need to be pulled up a little bit. But we will comply with the 25 foot landscape setbacks and we are showing a concept right now with two phases. The phase on the north side will be the first phase and all of the street frontage improvements will go in with phase one and that pedestrian connection to the L-O will go in at that time and the cross-access to the west. The second phase, then, is the southern one and we will work with staff and the neighbors on relocating that trash enclosure. That won't be -- won't be an issue and we are fine with the 35 foot height restriction. We have read the staff report and agree with staff's analysis and recommended conditions of approval and we respectfully request your approval tonight and I will stand for questions.

Simison: Thank you. Council, questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Hi, Tamara good to see you. Quick question on the parking. So, I was trying to understand the calculations. It looks like there was a calculation for office and, then, there was also a calculation for restaurant use, both in phase two. So, is that -- help me understand why there is almost double the parking of what is required? I'm not -- I wasn't -- I wasn't of the understanding that this clubhouse building is intended for office use or you're not sure what's going in there yet, like it may be a restaurant user and that's the reasons it was planned this way or maybe I'm misunderstanding.

Thompson: Yeah. Mr. Mayor, Council Woman Perreault, good question, and I did not do a good job of explaining that. So, the office to the immediate east where we have the pedestrian connection, they are having some issues with their parking and so they have asked to lease some parking spaces on this side. So, we are overparked to accommodate some parking for -- for that -- for that -- for that office to the east.

Simison: Council, any additional questions for the applicant? Tamara, just -- help me understand something with the cross-access over Jump Time. On the aerial it looks like they have -- is there parking like where they have a barrier for parking?

Thompson: So, Mr. Mayor, it does look like that and so I'm not sure if that is a city code compliance thing or how -- how that is going to get rectified. There is a cross-access -- a recorded cross-access easement at that location, but they have filled it in with

landscaping at this point. So, I'm not exactly sure how that works on their side. Our side will go right up to the property line.

Simison: Mr. Parsons, do we have a way to rectify something that someone builds on their property that may prevent a -- cars from actually using what would be a cross-access?

Parsons: Mayor, Members of the Council, like -- I think we are pretty solid in the development agreement and the recorded easement. I know when the applicant met with staff probably back in '15 or so when we started this process, he asked if he could put that in just because he didn't want to have just bare dirt. So, I think as long as the applicant reaches out to that property owner and let -- let them know that they are ready to get that reciprocated, I think the DA -- what we have in place and what's recorded it should allow the applicant to remove that parking and landscaping and make that happen. I can tell you that this site is overparked per city standards. So, the city's -- the city is not concerned with the loss of three or four parking stalls there. And we do anticipate additional development on that front pad as well.

Simison: Yeah.

Parsons: It will also use that access point. So, it is going away at some point.

Simison: I would assume it would not be just those three or four, it would be what looks like that entire row that is -- I mean it appears as if though that is parking in that location, but I don't know how you would develop the site and leave it anyways. But just want to make sure that there is a way to rectify a cross-access to -- so it's actually utilized, knowing that it's not part of this applicant's issues, but if the cross-access was not going to be functional, then, it just begs the question. That's all.

Parsons: Mayor, Council, like -- we do have a copy of that recorded easement and it's recorded against the property and Tamara mentioned it as well. She has the same thing. So, I think we are in pretty good standing.

Simison: Okay. Council, any additional questions for the applicant? Okay. Thank you very much. Mr. Clerk, do we have anybody that signed up to provide testimony on this item?

Johnson: Mr. Mayor, we do. We had online Nancy Buckley. I don't have anyone on line, though, and I don't think she is here. So, the other is Eric Royer. Or Eric. I may be reading that wrong. Is Eric here?

Simison: If you would like to come forward. No -- no comment? Yeah. If you want to come up and speak you can, but, otherwise, we can't have you speaking, because Dean can't put it on the record. All right. Here he comes. If you can just state your name and address for the record, then, you can say whatever little or nothing that you would want to do.

Royer: My name is Eric Royer. My address is 3060 --

Simison: Can you get closer to the mic?

Royer: My name is Eric Royer. My address is 3064 East Springwood. I'm the property to the west, I assume. East. Correct. Right there. I'm here just to -- I have no problems with what they are doing. My biggest concern, even at the last meeting, was I would like to have some sort of barrier between residential and commercial. My back window is on the back left side here --

Perreault: Sir, could you speak up? I can't hear.

Royer: My -- my house -- my bedroom -- back bedroom is on the back corner of my home. My -- my -- my worry is having a fence put up, so that we can keep the light from the parking lot shining in my backyard every time a car comes in. This is going to be a parking and I'm sure Jump Time will take advantage of it. So, I'm just here just to make sure that I see what's going on and that's my concern.

Simison: Okay. Thank you. Council, any questions?

Hoaglund: Mr. Mayor? Eric, real quick. So, you are -- you are wanting a fence put up there for sure and, then, possibly some trees for landscaping, screening type --

Royer: Well, in my backyard I have some trees. My worry is -- I would like a barrier of some sort so that every time a car comes in it doesn't shine in my bedroom, living room, my dining room. I hope you can appreciate that, you know, just -- they are going commercial. I'm residential. I just want to have my privacy, you know. That's -- that's all. Okay. Got it. Thank you.

Royer: Thank you.

Simison: Okay. Mr. Clerk, anybody else sign up in advance?

Johnson: Mr. Mayor, that was everyone.

Simison: Okay. If there is anybody who would like to provide testimony on the item, if you would like to come forward at this time. And there is nobody online. So, with that I will invite the applicant up for any final comments.

Thompson: Mr. Mayor, Members of Council, Tamara Thompson again. Regarding the barrier there -- there is going to be that 25 foot landscape setback and we will be very mindful. The Land Group will be doing the landscape plan on that and we will be very mindful of car headlights and make sure that we are -- we are landscaping appropriately for those. And with that I will again ask for your approval tonight and stand for any questions.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Tamara, so there is no fencing or is there already existing fencing in the neighborhood and you are just going to be landscaping that 25 foot area -- that property to the east?

Thompson: Yeah. Mr. Mayor, Councilman Hoaglun, most of the properties have existing fencing already. So, what we have discussed with them is just enhanced landscaping.

Hoaglun: All right. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You said most of the property and it looks like there are four properties that border this property. So, the gentleman that just spoke to us to the east, does he have an existing fence? I guess I'm kind of struggling with why you are not putting a fence in, to be perfectly frank.

Thompson: Mr. Mayor, Council Woman Strader, we did look at that. I have some -- it's been a while since I was out there, so I don't recall, but I do have some photos I could pull up for you of what -- of what the area looks like. I believe everyone has fencing already and -- and so in our neighborhood meeting and what we have discussed with them since, after the Planning and Zoning hearing, is -- is landscaping.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I'm sorry. I think we are going to have to run this down more. So, it's a little bit out of order to have a member of the public come back up and testify at this point, but if he wants to testify as to the existing conditions on his property and what he's comfortable committing to going forward or if you want to pull up the photos, but I -- I personally think that if there is not a fence that you should put up a fence.

Simison: Okay. So, what the -- what the individual was just saying is he has got a four foot chain link fence.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Right. And so his point is that the fence that he has on his property is not adequate to block the headlights and so we are relying on the landscaping and berming to block that, but I guess, Tamara, I -- I would like to understand if you guys are open to putting up a more solid fence or how you are going to ensure that all the headlights are blocked.

Parsons: Mayor, Members of the council, just for context, I did testify at the Planning and Zoning Commission that Council did require a fencing -- Jump Time to put in six foot fencing along the back of their property in this location here. So, that's something that was discussed to match the existing neighborhood. Now, the code doesn't require fencing. The code requires dense landscaping to Tamara's point. So, there is multiple ways to get there. But fencing and landscaping is one way. Berming and landscaping is another way. But, again, just want to be transparent on the record that that was a DA provision with the Jump Time property.

Simison: Tamara, would you like to come up and --

Thompson: Mr. Mayor, Members of Council, Tamara Thompson again. I have talked to my client and areas -- so, many of them do have solid fencing. I can -- I have some photos, Bill, if we want to pull them up of existing conditions. But the -- we -- my client is -- is agreeable to putting up solid fence if it's chain link. It just comes to the -- it always gets confusing, because when you have multiple neighbors, some of them want to keep their fence, what do you -- do you put up two fences with a little space in between? You know, it always gets -- and everybody wants something different. So, we had agreed upon a landscape -- enhanced landscaping in those areas. But if we need to do a solid fence or add slats to something that's existing, we are open to that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Typically the HOA steps in and they decide for the -- for all the homeowners what it should be, so you don't run into that problem typically that we have come across that we work with and I remember when the Walmart went in on Franklin Road, the homeowners association came in and worked with the developer on that and you reached an agreement -- because, yeah, the homeowners may not agree on things like that. But in this case -- you know, Mr. Royer has come in and has a sizable chunk, because of the -- the wedge shape that his property is, there is quite a bit of land right along there that -- that he has and certainly a chain link fence isn't suitable for that and enhanced landscaping is good, but at the same time if some of the bushes and whatnot are deciduous and in the wintertime they fall, you know, you have -- have those types of situations that you -- that you meet with. So, I think in this case where there is that chain link fence on his property, certainly needs to have a six foot fence that I think you and the applicant -- you, as the applicant and the homeowner, can reach agreement on what that would be. If the others have fences already, they are six foot, then, that's up to them. I mean that's -- they have got what would be put in over here. So, I don't see

a need to go in and say it all has to be the same. In this case he's taken the time and effort to come and has a concern and I think we can -- we can add that to the -- to the condition if you agree with that. So, it sounds like you -- you are willing to do something for that situation.

Thompson: Mr. Mayor, Councilman Hoaglund, my -- my client is agreeable to that.

Simison: Council, any additional questions -- Councilman Borton.

Borton: No. Mr. Mayor, just a comment. I agree with -- I'm glad that -- that was brought up. I thought six foot vinyl fence makes sense along that property, at least that large single property to the east. We know what the issue is going to be, so I appreciate the applicant being willing to do that.

Simison: Okay.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Having extreme knowledge of Green Hills Estates when it was first started being developed in 1977, I can tell you there was no active HOA in that entire development and fences ran the gamut of what was allowed. So, finding everybody putting in the same fence is probably not what you are going to see and I think if you put up a solid fence where he has got a -- a non-solid fence now to make him happy and move your development forward, I think that's the right decision.

Simison: All right. Thank you. Council, what's your direction at this point? Close the public hearing? Continue the conversation?

Hoaglund: Mr. Mayor?

Simison: Council Hoaglund.

Hoaglund: To make sure we are all on the same page, you know, I'm prepared to make the motion and whatnot, but this is just for the Royer property. I suspect -- it sounds like the others have six foot fences and he does have a chain link that's four foot and I do think we need to, you know, do something for that -- that property there to -- since commercial is coming in and typically when your property is impacted by someone else doing the development, they pay for that expense, as it should be. So, I -- I'm fine with doing it just on that property and when you look at his house, how close it is to the property line, it's way closer than anybody else's house, especially to the other applicant -- or homeowner to the east that has that little very tip that -- that touches there. So -- so, that's -- that's the direction I'm going with -- with the motion I would be making if -- if folks are -- unless they have other -- other -- other issues to discuss. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing on Item H-2022-0090.

Overton: Second.

Simison: I have a motion and a second to close the public hearing. Is there any discussion? If not, all in favor signify by saying aye? Oppose nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: After considering all staff, applicant, and public testimony, I move to approve File No. H-2022-0090, as presented in the staff report for the date of February 21st, 2023, and to include the staff and commission changes of the 35 height limitation on the building as noted in the report and the trash -- southeastern trash enclosure being moved and also to add another provision that would include installing a six foot fence along the eastern boundary of the Royer property that has been identified on the record this evening.

Overton: Second.

Simison: I have a motion and a second. Is there discussion on the motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I just want to mention before we vote that I agree with my fellow Council. Thank you for all the great comments and points that were brought up and -- and Council President Hoaglund absolutely, there is potential for wintertime to really affect that landscaping, but also I have yet to see dense enough landscaping that would -- you know, that would provide a shield against headlights anywhere within the first ten or 15 years of a project. So, unless you have the trees really close together I don't think that it's going to act in place of a fence. So, I am fully in agreement with my fellow Council that that should be a requirement of the DA.

Simison: Okay. Is there any further discussion?

Parsons: Mayor. Council. Sorry. Just one clarification. Is Council's preference to ask for a vinyl fence or just six foot solid fence? Any preference on that?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I would think the applicant and the homeowner can work that out. I mean vinyl fences are usually typical, but I don't think there is anything out of the ordinary for that. I think the homeowner would find that acceptable to have vinyl fence. So, with the agreement of the second, I would amend it to include a six foot vinyl fence.

Overton: Second agrees.

Simison: Okay. First and second agree. Any further discussion? If not, Clerk will call the roll.

Roll Call: Hoaglun, yea; Borton, yea; Cavener, absent; Perreault, yea; Strader, yea; Overton, yea.

Simison: All ayes. Motion carries and the item is agreed to.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

### **FUTURE MEETING TOPICS**

Simison: Council, anything under future meeting topics? Or do I have a motion to adjourn?

Hoaglun: Move to adjourn.

Simison: Motion to adjourn. All in favor signify by saying aye. Opposed nay? The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 6:34 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

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MAYOR ROBERT E. SIMISON

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DATE APPROVED

ATTEST:

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CHRIS JOHNSON - CITY CLERK