

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 2/23/2021

TO: Planning & Zoning Commission

FROM: Sonya Allen, Associate Planner
208-884-5533

SUBJECT: H-2020-0115
Schnebly Annexation

LOCATION: 2690 E. Franklin Rd., in the SE ¼ of Section 8, Township 3N., Range 1E



I. PROJECT DESCRIPTION

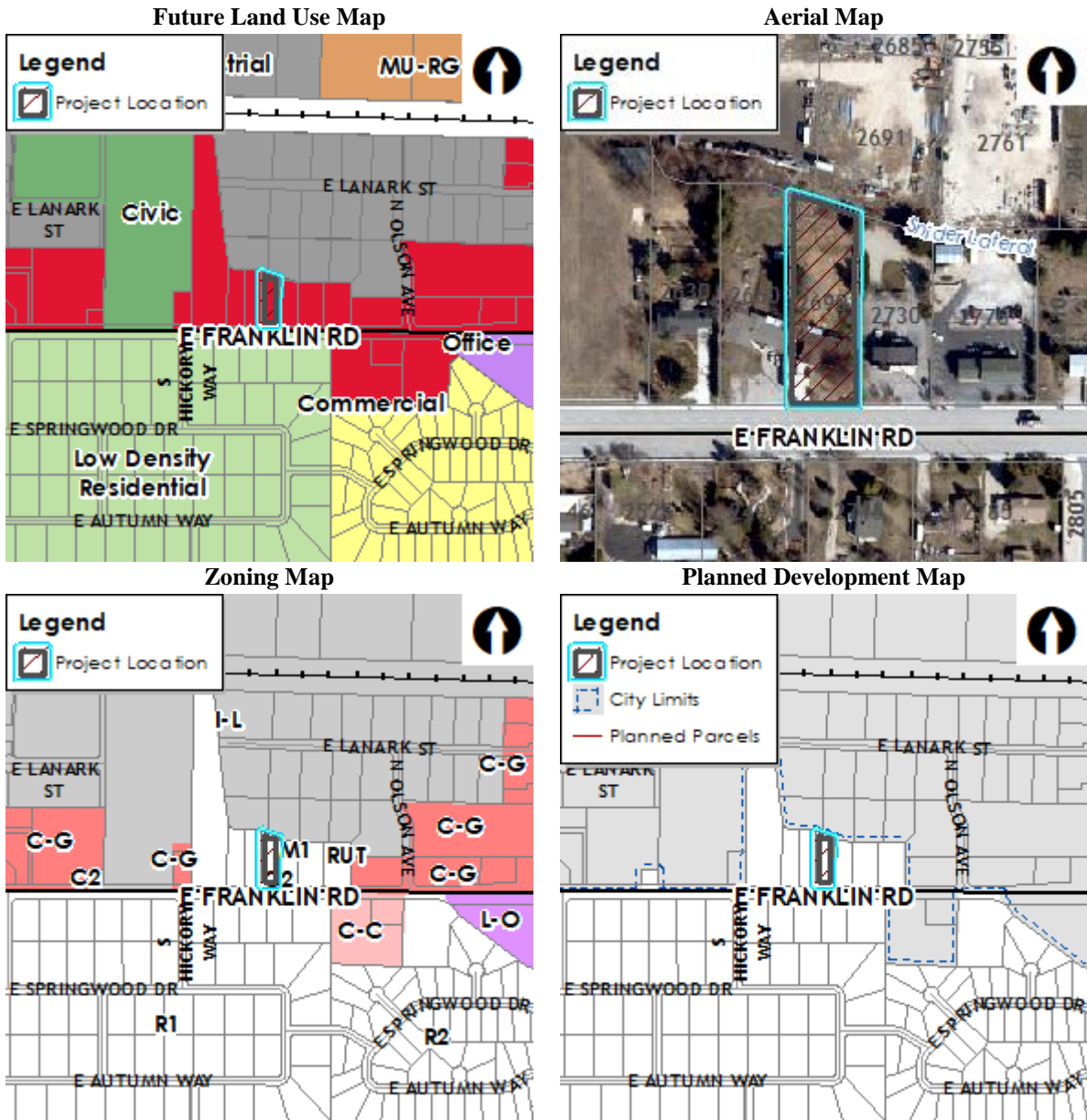
Annexation of 0.75-acre of land with an R-2 (Low-Density Residential) zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	0.75-acre, including adjacent right-of-way to section line of E. Franklin Rd.; 0.63-acre, exclusive of right-of-way	
Future Land Use Designation	Commercial	
Existing Land Use	Rural residential (one single-family home)	
Proposed Land Use(s)	No change (continue existing residential use)	
Current Zoning	RUT in Ada County	
Proposed Zoning	R-2	
Lots (# and type; bldg/common)	NA	
Amenities	NA	
Physical Features (waterways, hazards, flood plain, hillside)	None	
Neighborhood meeting date; # of attendees:	11/21/20; 1 person called, no one attended meeting	
History (previous approvals)	None	

B. Project Area Maps



III. APPLICANT INFORMATION

- A. Applicant/Representative:
Richard Schnebly – 4050 E. Hubbard Rd., Kuna, ID 83634
- B. Owner:
Same as Applicant
- C. Contact:
Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published	1/1/2021	2/5/2021
Radius notification mailed to properties within 300 feet	12/29/2020	2/2/2021
Public hearing notice sign posted	1/9/2021	2/13/2021
Nextdoor posting	12/29/2020	2/2/2021

V. STAFF ANALYSIS

The Applicant proposes to annex 0.75-acre of land, including adjacent right-of-way to the section line of E. Franklin Rd., with an R-2 (Low-Density Residential) zoning district. A legal description for the annexation area is included in Section VII.A., which depicts the area within the Area of City Impact boundary.

The reason for annexation is the existing septic system on the single-family residential property failed late last year and the Applicant had to hook-up to City water and sewer service. No new development or redevelopment of the property is proposed at this time and the use will remain residential for the foreseeable future.

The Applicant entered into an agreement with the City for extension of domestic water and sewer service outside Meridian city limits for the subject property (Inst. #[2020-151430](#)). This agreement allowed the property to hook up to City water and sanitary sewer service with disconnection from the private well and septic system. A provision of the agreement requires the property owner to apply for annexation of the property into the City as proposed with this application.

The Comprehensive Plan Future Land Use Map (FLUM) designation for this property is Commercial. Because there is an existing home on this property and the use is proposed to remain residential, an R-2 zoning district is requested as a “placeholder” zoning district until the property redevelops in the future. A commercial zoning district would create a non-conforming use (i.e. a single-family residential dwelling is not a permitted use in a commercial zoning district), which is not preferred. Prior to re-development, a rezone should be requested and development proposed consistent with the Commercial FLUM designation. **To ensure future development is consistent with the Comprehensive Plan and the land use desired for this property, Staff recommends a Development Agreement as a provision of annexation pursuant to Idaho Code Section 67-6511A, that requires the property to be rezoned and the agreement modified to include a conceptual development plan prior to any change in use and/or development of the property.**

With future redevelopment of the property, access via E. Franklin Rd. and access and interconnectivity with adjacent properties will be evaluated in accord with the provisions listed in UDC 11-3A-3. An attached sidewalk exists along E. Franklin Rd.; a detached sidewalk may be required as set forth in UDC 11-3A-17C. A street buffer will be required along Franklin Rd. as set forth in UDC Table 11-2A-4 with landscaping per the standards listed in UDC 11-3B-7C.

VI. DECISION

A. Staff:

Staff recommends approval of the Applicant’s request for annexation & zoning with the requirement of a Development Agreement per the Findings in Section IX.

B. The Meridian Planning & Zoning Commission heard these items on January 21, 2021. At the public hearing, the Commission moved to recommend approval of the subject AZ request.

1. Summary of Commission public hearing:
 - a. In favor: Rich Schnebly, Applicant
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: Brad Miller, Adler Industrial; Rich Schnebly, Applicant
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. Concern pertaining to compatibility of R-2 zoning of the property with adjacent industrial uses to the north – suggests commercial zoning might be more compatible and a better option.
 - b. The Applicant requests *not* to have a development agreement requirement for this property due to financial constraints pertaining to paying an additional DA fee.
3. Key issue(s) of discussion by Commission:
 - a. Buffer requirements that may apply on adjacent industrial property if the subject property is zoned residential instead of commercial as designated on the FLUM (*a buffer was already required on the adjacent property to the north*);
 - b. The reasons for requirement of a Development Agreement and whether or not one is needed to ensure future development is consistent with the Commercial designation.
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. None

C. The Meridian City Council heard this item on February 23, 2021. At the public hearing, the Council moved to approve the subject AZ request.

1. Summary of the City Council public hearing:
 - a. In favor: Rich Schnebly, Applicant
 - b. In opposition: None
 - c. Commenting: None
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. The Applicant requested either no requirement for a DA or waiver of fees for such if one is required.
3. Key issue(s) of discussion by City Council:
 - a. The reasons for requiring a DA and if one is necessary as a provision of annexation.
4. City Council change(s) to Commission recommendation:
 - a. The City Council did not require the Applicant to enter into a development agreement with the City as a provision of annexation.

VII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map



Annexation Land Description

A parcel of land being a portion of the southwest quarter of the southeast quarter of Section 8, Township 3 North, Range 1 East of the Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the brass cap monument at the corner common to Sections 8, 9, 16 and 17, T3N, R1E as shown on Record of Survey No. 7711, Records of Ada County, Idaho from which the found brass cap monument at the quarter corner common to said Sections 8 and 17 bears S 89° 32' 00" W a distance of 2571.02 feet as shown on said Record of Survey map; thence S 89° 32' 00" W along the section line for a distance of 1571.18 feet to the **REAL POINT OF BEGINNING**;

Thence continuing S 89° 32' 00" W for a distance of 100.00 feet;

Thence N 00° 28' 00" W for a distance of 342.11 feet;

Thence S 72° 37' 00" E for a distance of 105.23 feet;

Thence S 00° 26' 11" E for a distance of 309.85 feet to the **REAL POINT OF BEGINNING**;

Parcel contains 0.749 acres or 32,626 square feet, more or less.

The above description is written from record data shown on Record of Survey No. 7711, records of Ada County, Idaho.



EXHIBIT MAP

A PORTION OF THE SW 1/4 OF THE SE 1/4
OF SECTION 8, T.3N., R.1E., B.M.
ADA COUNTY, IDAHO



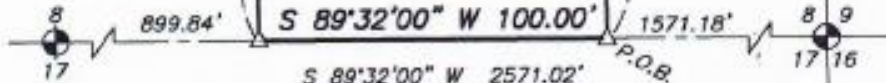
N 00°28'00" W 342.11'

2690 E. FRANKLIN RD.
ANNEXATION AREA
0.749 Acres
32,626 Square Feet

S 00°26'11" E 309.85'

— RW — RW — RW — RW — RW — RW — RW — RW —

E. FRANKLIN ROAD



LEGEND

- ANNEXATION BOUNDARY
- SECTION LINE
- PARCEL LINE
- RW — RW — RW — RW — RW — RIGHT-OF-WAY
- ⊕ BRASS CAP MONUMENT PER ROS No. 7711
- △ CALCULATED POINT PER ROS No. 7711



ACCURATE

SURVEYING & MAPPING

1602 W. Hays Street #306
Boise, Idaho 83702
(206) 488-4227

www accuratesurveyors.com

DATE: NOV., 2020 JOB 20-300

VIII. CITY/AGENCY COMMENTS

A. PLANNING DIVISION

- ~~1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian and the property owner(s) at the time of annexation ordinance adoption.~~

~~Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:~~

- ~~a. Prior to any change in use or redevelopment of the subject property, a rezone to a commercial zoning district and a modification to this agreement shall be requested to include a conceptual development plan consistent with the Commercial Future Land Use Map (FLUM) designation and guidelines in the Comprehensive Plan.~~
- ~~b. Future development of this site shall be consistent with the applicable standards in the City of Meridian's Unified Development Code.~~

The City Council did not require a development agreement as a provision of annexation.

B. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=217667&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

The City Council finds annexation of the subject property with an R-2 zoning district and requirement for the property to redevelop in the future consistent with the Commercial future land use map designation in the Comprehensive Plan is appropriate for this property (see Section V for more information).

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

The City Council finds the proposed map amendment to the R-2 zoning district is consistent with the purpose statement for the residential districts in UDC 11-2B-1 in that it will contribute to the range of housing opportunities available in the City consistent with the Comprehensive Plan.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

The City Council finds that the proposed zoning map amendment should not be detrimental to the public health, safety, or welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

The City Council finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

5. The annexation (as applicable) is in the best interest of city.

The City Council finds the proposed annexation is in the best interest of the City.