

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



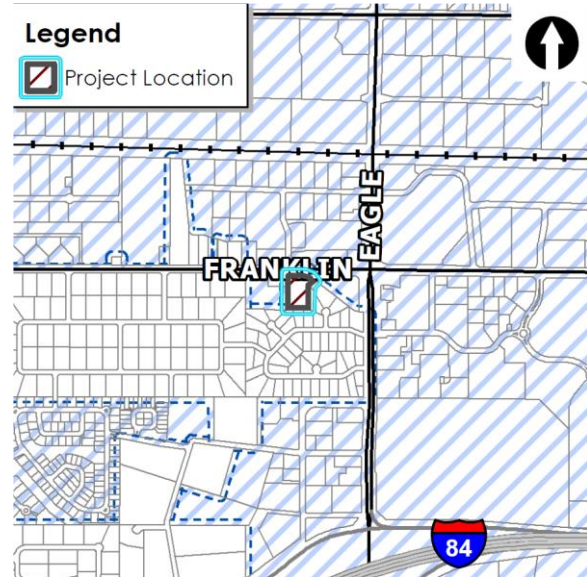
HEARING DATE: February 21, 2023

TO: Mayor & City Council

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

SUBJECT: Franklin Annexation
H-2022-0090

LOCATION: 2975 E. Franklin Rd., in the NE 1/4 of
Section 17, T.3N., R.1E. (Parcel
#S1117110201)



I. PROJECT DESCRIPTION

Annexation of 2.53-acres of land with a C-C (Community Business) zoning district.

II. SUMMARY OF REPORT

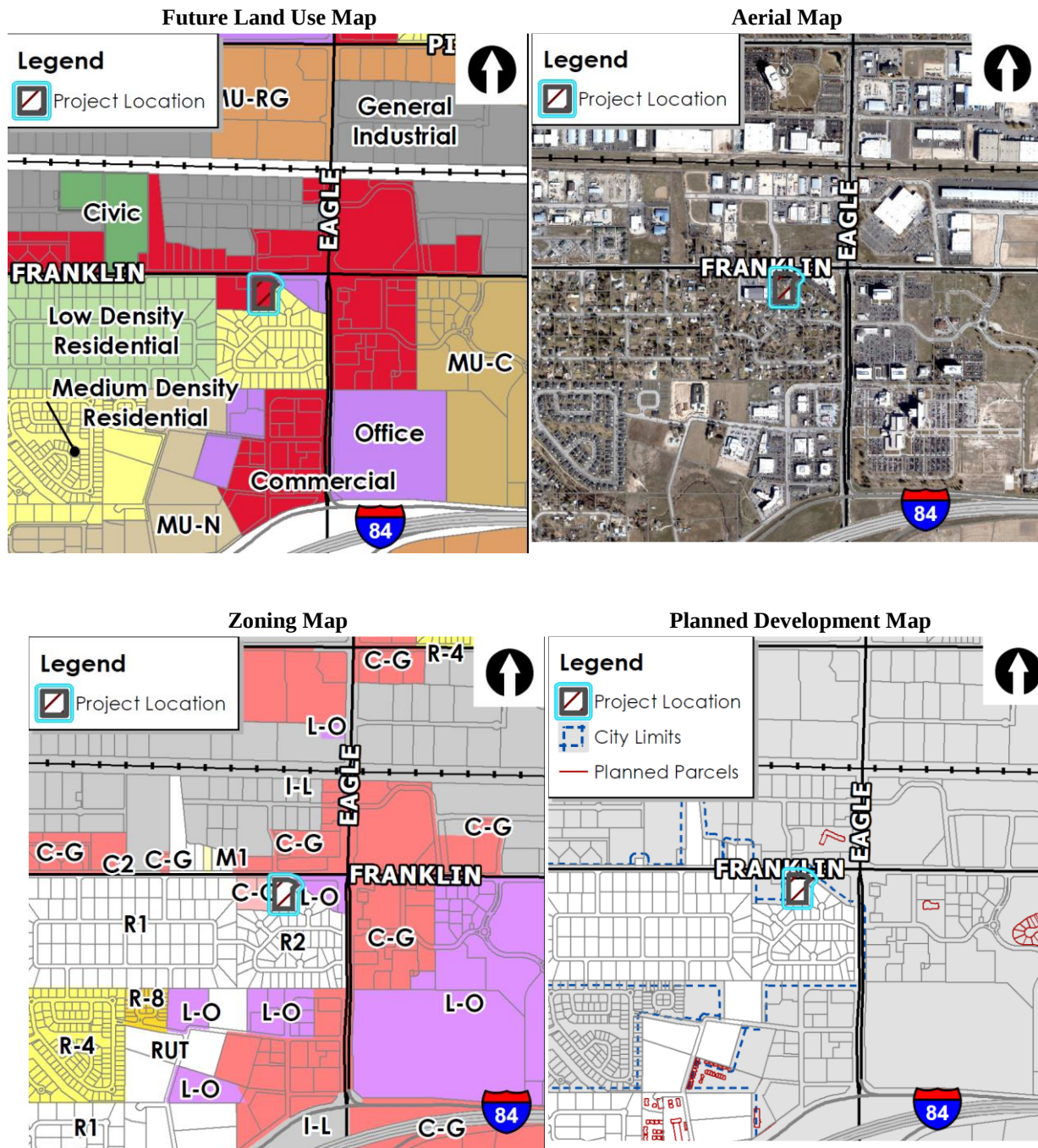
A. Project Summary

Description	Details
Acreage	2.35-acres (2.53-acres annexation boundary)
Future Land Use Designation	Commercial
Existing Land Use	Single-family residential
Proposed Land Use(s)	Commercial (no specific uses are proposed)
Current Zoning	R2 in Ada County
Proposed Zoning	C-C (Community Business)
Lots (# and type; bldg/common)	NA
Phasing plan (# of phases)	2
Number of Residential Units (type of units)	0
Physical Features (waterways, hazards, flood plain, hillside)	The Snyder Lateral crosses the northeast corner of the site.
History	CPA-09-005 (Macha Retail Plaza)

B. Community Metrics

Description	Details
Ada County Highway District	
Staff report (yes/no)	Yes
Requires ACHD Commission Action (yes/no)	No
Existing Conditions	
CIP/IFYWP	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed via E. Franklin Rd., an entryway corridor and arterial street, at the western boundary of the site.
Proposed Road Improvements	None
Fire Service	<i>No comments received.</i>
Police Service	<i>No comments received.</i>
West Ada School District	<i>No comments received.</i>
Distance (elem, ms, hs)	
Capacity of Schools	
# of Students Enrolled	
Wastewater	
Distance to Sewer Services	Connect sewer to existing main in Franklin Rd
Sewer Shed	
Estimated Project Sewer ERU's	Additional 125 gpd committed to model.
WRRF Declining Balance	WRRF decline balance is 14.57 MGD.
Project Consistent with WW Master Plan/Facility Plan	Yes
Impacts/Concerns	See Public Works' Site-Specific Conditions in Section IX
Water	
Distance to Services	Connect water to existing main in Franklin Rd
Impacts/Concerns	See Public Works' Site-Specific Conditions in Section IX

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Tamara Thompson, The Land Group, Inc. – 462 E. Shore Dr., Ste. 100, Eagle, ID 83616

B. Owner:

Rudy Lindbloom, Falcon Properties – PO Box 2255, Wenatchee, WA 98801

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published in newspaper	01/04/2023	2/3/2023
Radius notification mailed to property owners within 500 feet	12/30/2022	1/30/2023
Public hearing notice sign posted on site	1/7/2023	2/11/2023
Nextdoor posting	12/30/2022	1/30/2023

V. COMPREHENSIVE PLAN ANALYSIS

LAND USE: This property is designated as Commercial on the Future Land Use Map (FLUM) contained in the [Comprehensive Plan](#).

The Commercial designation provides a full range of commercial uses to serve area residents and visitors. Desired uses may include retail, restaurants, personal and professional services, and office uses, as well as appropriate public and quasi-public uses. Multi-family residential may be allowed in some cases, but should be careful to promote a high quality of life through thoughtful site design, connectivity, and amenities. Sample zoning include: C-N, C-C, and C-G.

The subject property is proposed to develop with two (2) commercial structures, which should be consistent with the Commercial FLUM designation. Future uses will be allowed as listed in UDC Table 11-2B-2, Allowed Uses in the Commercial Districts.

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)
City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21.
- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)
A 25-foot wide buffer is required for screening adjacent to the existing residential uses to the east and south, landscaped in accord with the standards listed in UDC 11-3B-9C, with development of the site.
- “Reduce the number of existing access points onto arterial streets by using methods such as cross-access agreements, access management, and frontage/backage roads, and promoting local and collector street connectivity.” (6.01.02B)

There are two (2) existing access driveways via E. Franklin Rd., an arterial street, for this site. One driveway is proposed to replace the two (2) existing driveways and a cross-access easement and driveway is proposed to the adjacent commercial property to the west for interconnectivity.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Curb, gutter and an attached sidewalk exists along the frontage of the site adjacent to E. Franklin Rd. Water and sewer utilities will be extended to this site with development.

- “Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing City Code.” (5.01.01F)

Lighting on the site should comply with the standards listed in UDC 11-3A-11 so as not to disturb adjacent residential uses.

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.).” (3.07.01C)

A 35-foot wide street buffer will be required with development along E. Franklin Rd., an entryway corridor and arterial street, landscaped per the standards listed in UDC 11-3B-7C.

- “Eliminate existing private treatment and septic systems on properties annexed into the City and instead connect users to the City wastewater system; discourage the prolonged use of private treatment septic systems for enclave properties.”

If annexed, use of the existing septic system shall cease and future structures will be required to connect to City sewer service.

VI. STAFF ANALYSIS

A. ANNEXATION (AZ)

The Applicant proposes to annex 2.53-acres of land with a C-C (Community Business) zoning district.

A legal description and exhibit map for the annexation area is included in Section VIII.A. This property is within the City’s Area of City Impact boundary and contiguous to City annexed property and thus is eligible for annexation.

There is an existing house and associated structures on this site that are proposed to be removed with development. There are two (2) existing driveways via Franklin Rd.

A conceptual development plan was submitted as shown in Section VIII.B that demonstrates how the property is anticipated to develop with a 3,360+/- square foot (s.f.) building pad that includes a drive-through and a 12,600+/- s.f. building pad with associated parking. Specific uses and tenants are unknown at this time although a restaurant (or coffee shop) is anticipated on the building pad nearest Franklin Rd. and possibly an office on the rear portion of the property. Future uses will be allowed as listed in UDC [Table 11-2B-2](#), Allowed Uses in the Commercial Districts, for the C-C zoning district. Professional services (i.e. office) and restaurants (i.e. coffee shop) are listed as principal permitted uses in the C-C zoning district. A drive-through establishment is required to comply with the specific use standards listed in UDC [11-4-3-11](#), which require approval of a conditional use permit because the use is within 300-feet of a residential use and district. Future development is subject to the dimensional standards listed in UDC [Table 11-2B-3](#) for the C-C zoning district.

Franklin Road is fully improved with 5-travel lanes, vertical curb, gutter and sidewalk adjacent to this site; therefore, no additional right-of-way dedication or road improvements are required with development of this property per the ACHD report in Section IX.E.

An access driveway is proposed along the west boundary of the site via E. Franklin Rd., an arterial street and entryway corridor, in alignment with N. Olson Ave. on the north side of Franklin Rd.; the existing access driveways are proposed to be closed. A cross-access easement (Inst. #[2017-103145](#)) exists to this property from the property to the west (Parcel #S1117110550); a reciprocal cross-access easement should be granted to the property to the west (Parcel #S1117110550) for interconnectivity and access via Franklin Road to reduce access points on the arterial street. **A copy of the recorded cross-access/ingress-egress easement should be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy on the site.** Staff does not recommend a shared access driveway is provided to the property to the east because of the right-turn lane on Franklin Rd. that exists in front of the property to the east.

Restaurants are subject to the specific use standards listed in UDC [11-4-3-49](#), which requires a minimum of one (1) parking space to be provided for every 250 s.f. of gross floor area. Professional services and other non-residential uses require a minimum of one (1) off-street parking space to be provided for every 500 s.f. of gross floor area. Based on the total area of the building footprints depicted on the conceptual development plan (i.e. 15,960+/- square feet), a minimum of 64 off-street parking spaces are required to be provided on the site at the most restrictive parking standard (i.e. one space per 250 square feet); a total of 126 spaces are proposed. The concept plan states a total of 59 parking spaces are planned to be dedicated to the existing office use to the east through a cross-parking agreement, which leaves a total of 67 spaces for this site for future uses, exceeding UDC standards.

With development of the site, a 35-foot wide street buffer will be required along E. Franklin Rd., an arterial street and entryway corridor, landscaped per the standards listed in UDC [11-3B-7C](#); parking lot landscaping will be required per the standards listed in UDC [11-3B-8C](#); a 25-foot wide buffer to adjoining residential uses will be required, landscaped per the standards listed in UDC [11-3B-9C](#); and sidewalk is required to be installed along Franklin Rd. in the areas where the existing driveways are located in accord with UDC [11-3A-17](#).

Conceptual building elevation photo examples were submitted, included in Section VIII.C, that demonstrate what future buildings constructed on the site may look like. Final design is required to comply with the design standards in the City's [Architectural Standards Manual](#).

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **If this property is annexed, Staff recommends a DA is required with the provisions discussed herein and included in Section IX.A.**

VII. DECISION

A. Staff:

Staff recommends approval of the proposed annexation with the requirement of a Development Agreement per the provisions in Section IX in accord with the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard this item on January 19, 2023. At the public hearing, the Commission moved to recommend approval of the subject AZ request.

1. Summary of Commission public hearing:

- a. In favor: Tamara Thompson, The Land Group (Applicant's Representative)
- b. In opposition: None
- c. Commenting: Kent Brown, Amanda Taylor, and Brenda & Eric Royer
- d. Written testimony: Tamara Thompson, The Land Group (in agreement with staff report)
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on the application: None

2. Key issue(s) of public testimony:

- a. Noise associated with trash pick-up and the relocation of the trash enclosure from the southeast corner of the site.
 - b. Fencing and landscaping adjacent to the existing County residences.
- 3. Key issue(s) of discussion by Commission:
 - a. Continue to work with the County residents on landscaping, fencing, and relocation of the trash enclosure to a more appropriate location.
- 4. Commission change(s) to Staff recommendation:
 - a. Commission added a DA provision restricting the height of the southern building to 35 feet.
 - b. Commission added a DA provision requiring the southeastern trash enclosure to be moved away from the County residences to a more central location on the site.
- 5. Outstanding issue(s) for City Council:
 - a. None

VIII. EXHIBITS

A. Annexation Legal Description and Exhibit Map



LEGAL DESCRIPTION

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November 12, 2022
Project No.: 121152

EXHIBIT "A"

2975 E. FRANKLIN ROAD ANNEXATION-REZONE DESCRIPTION

A parcel of land located in the Northeast Quarter of Section 17, Township 3 North, Range 1 East, Boise Meridian, City of Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Northeast Corner of Section 17 of said Township 3 North, Range 1 East, (from which point the North Quarter Corner of said Section 17 bears North 89°54'33" West, 2570.99 feet distant); Thence from said Northeast Corner, North 89°54'33" West, a distance of 677.51 feet on the north line of said Section 17 to the POINT OF BEGINNING;

Thence South 00°05'27" West, a distance of 40.00 feet to a point on the southerly right of way line of East Franklin Road;

Thence South 68° 41' 13" East, a distance of 85.95 feet to a point common with the westerly boundary line of that parcel shown on Record of Survey No. 3979 of Ada County Records;

Thence South 38° 51' 31" East, a distance of 70.59 feet on said westerly boundary line to the north most corner of Lot 6, Block 1 of Greenhill Estates No. 3, as same is shown on the Plat thereof recorded in Book 43 of Plats at Page 3487 of Ada County Records;

Thence on the northerly boundary line of said Greenhill Estates No. 3 for the following courses and distances:

Thence South 48° 08' 56" West, a distance of 75.70 feet;

Thence South 00° 06' 01" West, a distance of 246.20 feet;

Thence North 89° 53' 58" West, a distance of 260.00 feet;

Thence North 87° 41' 30" West, a distance of 0.79 feet to the southeast corner of that parcel described in Warranty Deed Instrument No. 799015 of Ada County Records;

Thence North 00° 03' 06" East, a distance of 382.73 feet on the east boundary line of said Warranty Deed parcel to a point on the southerly right of way line of East Franklin Road;

Thence North 00° 02' 02" East, a distance of 40.00 feet to a point on the north line of said Section 17;

Thence South 89° 54' 33" East, a distance of 192.95 feet on the north line of said Section 17 to the POINT OF BEGINNING.

The above described parcel contains 2.53 acres more or less.

PREPARED BY:
The Land Group, Inc.

James R. Washburn



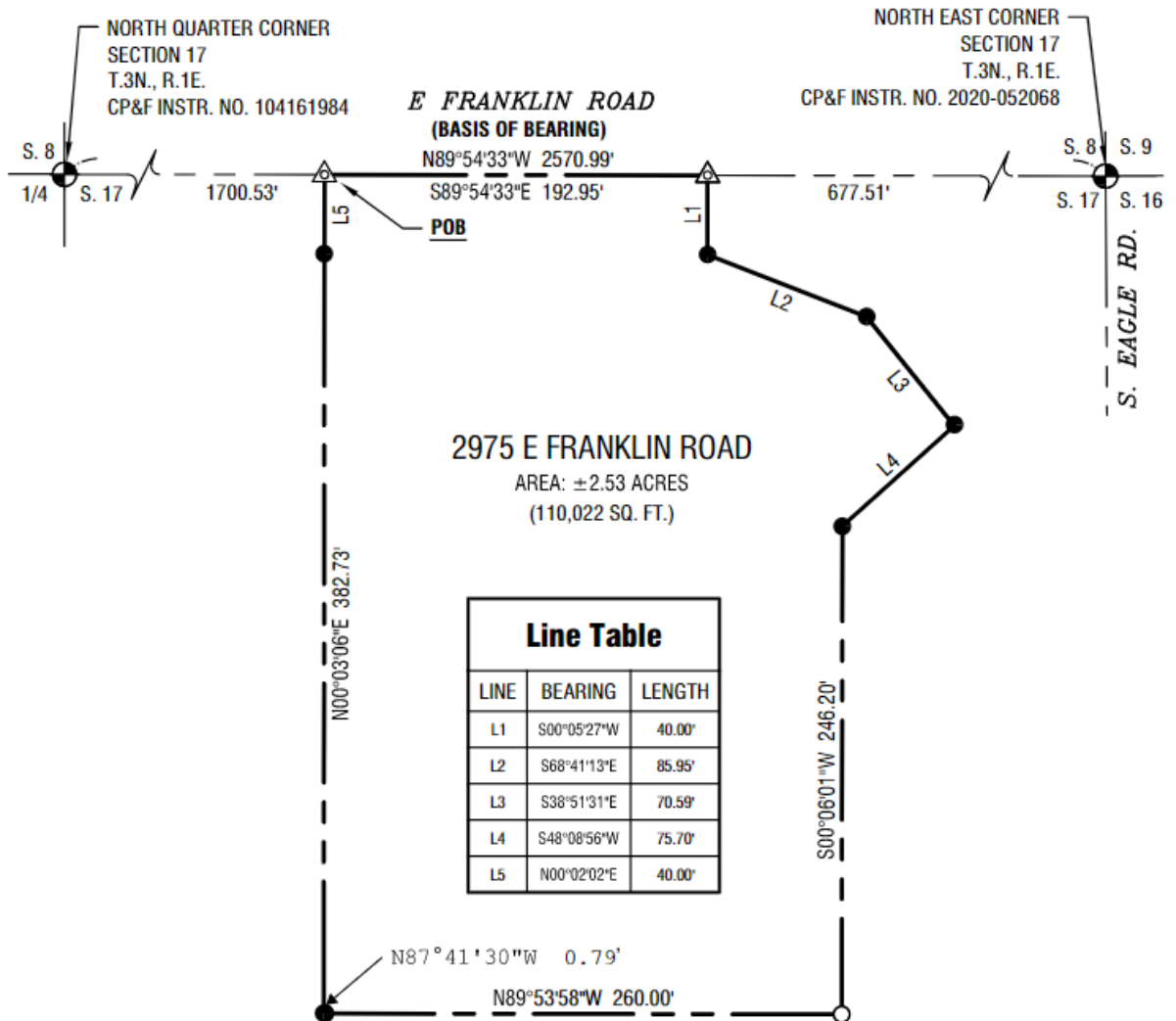
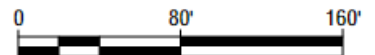


Exhibit "B"

Horizontal Scale: 1" = 80'



Project No.: 121152
Date of Issuance: 11/11/2022



2975 E Franklin Road
Annexation Description
City of Meridian

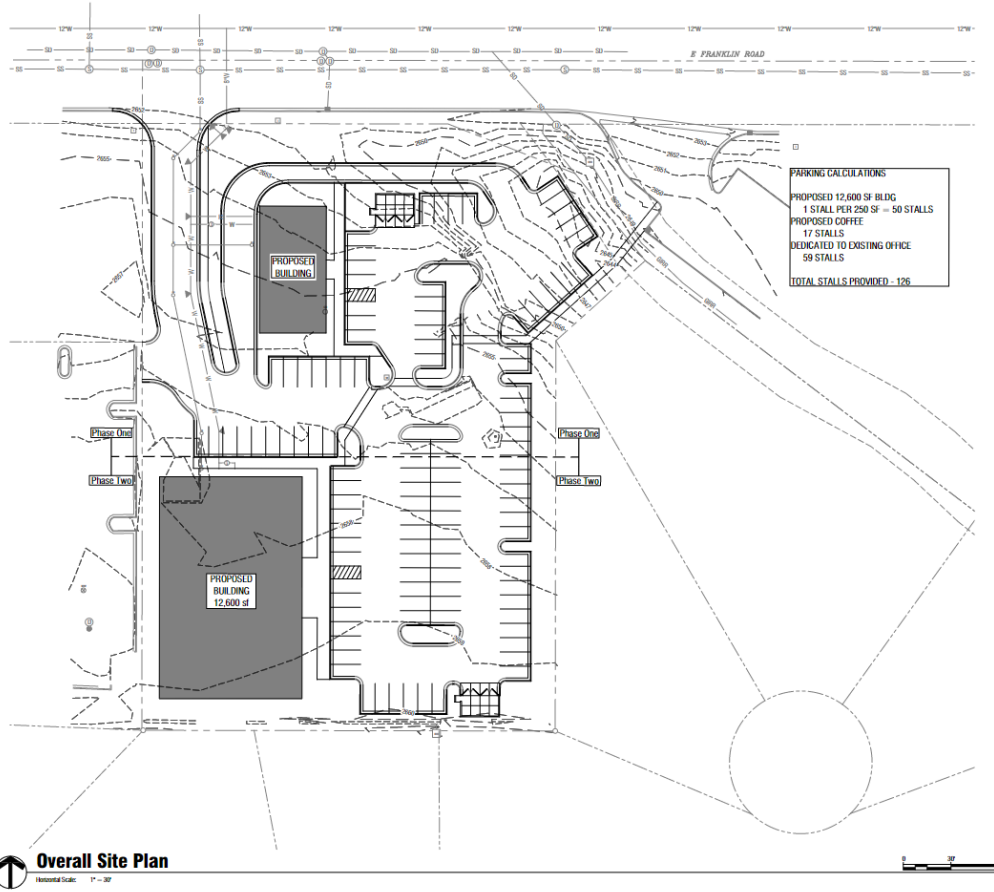
1 of 1

File Location: G:\2021\121152\2975 E Franklin Road\2975 E Franklin Road.dwg
Last Printed By: J. Washburn
Data Plot Date: Friday, November 11, 2022 at 2:59:55 AM

B. Conceptual Development Plan

Sheet Notes:

1. XXX



Keynotes:

1. XXX

2975 E. Franklin Road Annexation Application

2975 E. Franklin Rd.
MORGENTHAU, ID

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Project No: 17107
Date of Issuance: 10/20/2017
Project Manager: Amanda Lightfoot

Overall Site Plan

C2.00

C. Building Elevation Photo Examples





IX. CITY/AGENCY COMMENTS & CONDITIONS

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, the property owner(s) at the time of annexation ordinance adoption, and the developer.

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 *IF* City Council determines annexation is in the best interest of the City:

- a. Future development of this site shall be generally consistent with the conceptual development plan included in Section VIII.B and the provisions contained herein.
- b. A cross-access/ingress-egress easement shall be recorded granting access to the property to the west (Parcel #S1117110550) across the subject property for interconnectivity and access via E. Franklin Rd. **A copy of the recorded access easement shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy on the site.**
- c. The design of all future structures on the site shall comply with the design standards in the City's [*Architectural Standards Manual*](#).
- d. The southern building shall not exceed 35 feet in height.
- e. The southeastern trash enclosure shall be located away from the County residences to a more central location on the site.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Ensure no sewer services cross infiltration trenches.
- 1.2 Two buildings cannot run off the same sewer service line.
- 1.3 Cleanout must be replaced with manhole when transitioning from sewer main to service line.
- 1.4 Ensure manhole is not in curb or gutter.
- 1.5 Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement.
- 1.6 Provide 10' separation between fire hydrant and sewer main.
- 1.7 Fire hydrant is required at end of the water main dead end. If it works with fire requirements you can move the proposed hydrant at the front of the site. If not add an additional hydrant.
- 1.8 Existing well to be used for irrigation must not have any cross connection with potable water.
- 1.9 Water main, fire hydrant, and water service require a 20 easement. Extend easement 10 beyond the end of the main, fire hydrant, and water meter.
- 1.10 A streetlight will be required along Franklin Rd.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
- 2.5 Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
- 2.10 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.11 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.12 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.

- 2.13 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.14 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.15 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.16 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.17 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.18 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.19 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.20 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. IDAHO TRANSPORTATION DEPARTMENT (ITD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285103&dbid=0&repo=MeridianCity>

D. DEPARTMENT OF ENVIRONMENTAL QUALITY

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285758&dbid=0&repo=MeridianCity>

E. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285924&dbid=0&repo=MeridianCity>

F. ADA COUNTY DEVELOPMENT SERVICES (ACDS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=285789&dbid=0&repo=MeridianCity>

X. FINDINGS

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 Commission finds the Applicant's request to annex the subject property with a C-C zoning district and develop the site with commercial uses is consistent with the Commercial FLUM designation for this property.

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

The Commission finds the proposed map amendment to C-C and development generally complies with the purpose statement of the commercial districts in that it will provide for the retail and service needs of the community in accordance with the Comprehensive Plan.

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

The Commission finds the proposed map amendment should not be detrimental to the public health, safety and welfare as the proposed commercial uses should be compatible with adjacent single-family residential and commercial/office uses in the area.

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 Commission finds City services are available to be provided to this development. Because commercial uses are proposed, there shouldn't be any adverse impact on the school district.

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

The Commission finds the proposed annexation is in the best interest of the city.