

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.

Seal: And with that we will open the public hearing for Item No. H-2022-0090, Franklin Annexation, and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. Last item on the agenda tonight -- and want to definitely send out -- Commissioner Yearsley out on a positive note and get home to his family in quick fashion this evening. So, I will get through this project and wish him all the best in his future endeavors. So, pleasure working with you again, Commissioner Yearsley, and hope to see you again -- maybe on the outside, not here at the Commission hearings, so -- the item before you tonight -- the next item is the Franklin Annexation. The site consists of 2.53 acres of land, currently zoned RUT in Ada county and it's located at 2975 East Franklin Road. You can see here in the aerial that there is an existing single family home on the property and some outbuildings. Those will be removed with the development of the site. In 2009 the city did process a Comprehensive Plan map amendment for this particular property and we changed the future land use to commercial and so the applicant is here tonight to -- is proposing annexation of this tonight from the R-2 zoning district in Ada county to the C-C zoning district in the city, which is consistent with the property to the west that we annexed at the same time as the Comprehensive Plan map amendment as this property was part of. So, the applicant has submitted a -- if I can move this here. Why it's not advancing here. There we go. The applicant did submit a conceptual development plan. There is -- there actually are no end users proposed for this site at this time. The concept plan shows an approximately 3,000 square foot restaurant with drive-through and, then, a potential office building on the southern portion of the site and all these associated parking that may go along with this development. When we process the application to the west that is currently C-C, we require cross-access with this property and the applicant is proposing that access to occur in this general location here, which is consistent with the site plan approval of that property. Also in the staff report this particular site currently has two access points to Franklin and with this particular proposal, with the cross-access with the development to the west and the new access point, they are taking two, combining into one, but, actually, this new access point does align with Olson Avenue, which is across the north side of Franklin, which is a safer situation. Originally when we met with the applicant and discussed this proposal we were hoping to potentially get a cross-access with the office development to the east as well, but there are some -- some topography challenges there and, then, also that existing curb cut actually feeds into the right-turn lane to go onto Eagle Road, so we didn't figure that was the safer -- a safe situation to funnel that additional traffic through that -- that current curb cut. So, staff is supportive of the proposed access that the applicant has on this site plan, at least the public street access, along with that cross-access as I mentioned to you earlier. The applicant did submit sample elevations that they intend to -- as potential possibilities for the site. Again, nothing proposed at this time. The applicant will have to get -- go through that -- use our CUP process for the

drive-through or go through administrative design review process to further refine the elevations and develop the site. We didn't -- I didn't see any public testimony submitted as part of this application. We did receive confirmation from the applicant that they are in agreement with the DA provisions that are in the staff report. With that I will go ahead and conclude my presentation and stand for any questions you may have.

Seal: Great. Thank you, Bill. Appreciate it. Would the applicant like to come forward?
Good evening.

Thompson: Good evening, Mr. Chair, Members of the Commission. My name is Tamara Thompson. I'm with The Land Group. We are at 462 East Shore Drive in Eagle. I do have a little PowerPoint that I gave Bill and a lot of it is redundant from what he just said. So, I will -- I won't go through all of it. Are you able to pull that up?

Parsons: Getting to it now.

Thompson: Okay.

Seal: It's okay. We are trying to keep Commissioner Yearsley here as long as we possibly can tonight.

Thompson: Can I do this or do you --

Parsons: You can. Just use the arrow keys --

Thompson: Okay.

Parsons: -- on the keyboard.

Thompson: All right. This is the vicinity map and the property is 650 feet west of Eagle Road on the south side of Franklin at 2975 East Franklin Road here in Meridian. It is currently in Ada county with an R-2 zone and the Comprehensive Plan on this is commercial. The existing buildings and improvements will be removed with development. And the staff went over with you -- it does have -- you can see the -- the comp plan designation there for commercial, which is consistent with the property immediately to the west and, then, the hard corner has an office building on it, which is the purple, zoned L-O. Across Franklin to the north is industrial and commercial properties and, then, to the south is county properties that are zoned R-2 in -- in Ada county. And, then, this is just to show the existing conditions on the site. We did look at a vehicular cross-access across here. We don't have a lot of frontage there and there is some very large trees on the other side. There is also the Snyder Drain that runs through there and there are some topography issues. I did want to point out the public road to the north, that our access is planned to align with that North Olson on the north side. ACHD has reviewed our application and has a staff report and we -- that -- that approves the -- the project and the access point and we plan to -- we will comply with their conditions of approval. And, then, the one thing I want to point out is that even though we can't provide vehicular cross-

access, we are working with the office development and we will provide pedestrian cross-access at that location. And, then, you can see here we -- the -- it's a Jump Time that's operating over there currently to the west and they have a recorded cross-access and we will provide the same for that location. At this point we don't have the end users. That's kind of -- if you get it zoned and everything, then, they will come. Everybody is so busy right now until you have the property entitled that you don't get a lot of people serious about it. So, again, the existing buildings will be removed. The project is proposed in two phases. So, the first phase is north of this line that you can see running kind in the middle of the project, that dashed line right there. With the first phase will be the street improvements along Franklin and the -- the front building pad and the parking in the front. And, then, the second is the -- the back building with that parking. We are complying with the dimensional standards of the C-C zone, especially where we butt up against the residential properties and, then, we have an arterial street along the frontage. So, we have that 35 foot landscape buffer across that frontage. And the end users and tenants are planned to be consistent with the C-C zone. So, the proposed annexation is consistent with the Meridian Comprehensive Plan and zoning code. We have read the staff report and agree with staff's analysis, findings, conditions and recommendation for approval and we respectfully request your recommendation for approval tonight. Thank you.

Seal: Thank you. Commissioners, do we have any questions for the applicant or staff?

Wheeler: Mr. Chairman?

Seal: Go right ahead.

Wheeler: Yeah. I have one -- I have a couple questions here. You said that the cross-access agreement to the property to the west -- was that also pedestrian or was it just vehicular to -- to the property that's now operating as Jump Time?

Thompson: Yeah. Mr. Chair, Commissioner Wheeler, this cross-access at this location here was a recorded cross-access for vehicles.

Wheeler: Vehicles. Okay. So, no pedestrian to the west access currently; correct?

Thompson: Well, I don't know that it would prohibit pedestrian, but it -- you know, it's going to be a curb cut for cars.

Wheeler: Okay. And, then, the pedestrian access that goes to the east, that goes up over there -- like you said, there is some terrain topography issues, large trees and things like that. I'm assuming that some of those trees are going to have to be removed and some of the area be leveled out or something like this I'm assuming on that side of things and that's just something you are working with the -- the owners on the hard corner on how that's going to look and work and entry and all that.

Thompson: Right. Mr. Chair, Commissioner Wheeler, we will -- we will work all that out with the -- with the construction drawings for that area, but there -- there is an area where there is a -- like -- like two car stalls -- two parking stalls on that side where we can -- we don't have to remove trees, because there is already cars there, but it's not big enough for a full drive aisle, like a two way drive aisle. And, then, as staff mentioned, you can kind of see the existing curb approach for that property and we are just too close to the intersection to bring in cars there. There could be some -- some conflicts.

Wheeler: Perfect.

Thompson: And, then, just to -- you know, there still will be the sidewalk along the frontage as well.

Wheeler: Perfect. Thank you.

Seal: Quick -- quick question on that. I know -- obviously this isn't the final plat here that we are looking at. I mean it's just a -- an idea of what can go on here. But as far as the -- the drive aisles and everything, just the way that this -- this is laid out I will just throw a concern out here right now where it looks like traffic is going to circulate in and around the building and come back right out into this -- right out into the road where, essentially, you are going to have to -- yeah. Exactly. I mean you are going to have to pull a hard 180 there while cars are also coming in at the same time, so I don't know if that's going to work very well and it's an interesting piece of property to work with. I think -- you know, just the concept and idea of this is -- is nice. Another comment I will make is I -- I like the fact that you have -- intentionally or not you have taken advantage of the space that the parking provides in order to kind of bring the buildings and bring the businesses away -- you know, as far away from the residential buildings that are there already. So, glad to see a piece of commercial property coming in.

Thompson: Yeah. And just to mention on that, Mr. Chair, the -- we threw a drive through on there just for conceptual purposes, but if that comes through fruition we will have to come back and get a conditional use permit. So, we will work out all that internal drive circulation with -- with -- with that application.

Seal: Thank you very much. Anyone else? No? Madam Clerk, do we have anybody signed up to testify?

Hall: We have Frank Cornell. Eric Royer.

Seal: Good evening, sir. Just need your name and address for the record, please.

Royer: My name is Eric Royer. 3064 East Springwood Drive, Meridian. I was born and raised here. We purchased the property to the east. We have the longest side on this -- this property. I have a couple concerns in the aspect of -- like I don't know. This is -- this over here is my property. My -- my concern, first of all, is the dumpster in the bottom right corner. My -- my bedroom is really pretty close to that corner. My concern about that is the dumpsters seem to be getting dumped like 4:00 o'clock in the morning. I

already hear it from Jump Time. I'm -- I'm kind of hoping that we could do something in the aspect of maybe moving the dumpsters away, because I believe that there is dumpsters pre-existing here I believe from Jump Time. If we could put those all in one area to where I don't have to -- summer is coming and the smells and clinking of the garbage cans. My other concern -- again, my home is right here up against that fence. I would like to possibly have a barrier wall, so that all of these parking spots -- headlights aren't in my backyard every day. My -- my concerns are my concerns I guess. They are -- they are not your concerns. I have only been in this for a couple years now and I'm not opposed to them doing the things that they are doing. I would just like a little bit of separation between what they have going and what I have tried and have going. So, if you guys could, please, take some of this into consideration I would appreciate it.

Seal: Yeah. Absolutely. And this -- again, this isn't the final plat that we are looking at. These are just conceptual ideas. But the input that you are given is -- is great. So, I wish more people would show up at this phase to kind to help with -- with those ideas and -- and generally speaking staff's pretty -- you know, they are aware of how the property lines up and try to think about what if I lived there. So, you know, obviously, we don't want all the headlights shining into your -- your bedroom window and -- and things like that. So, as -- as the process moves along I'm sure those things will be taken into consideration. Appreciate your testimony, sir.

Royer: Thank you.

Seal: Thank you.

Hall: Brenda Royer.

B.Royer: Good evening. I'm Brenda Royer. I live at 3064 East Springwood Drive. Wife of Eric. And my concerns are basically the same concerns that he has. Sleeping at night maybe with our window cracked I would hate to have to smell somebody's garbage or any transient bums that may be going through the garbage in the middle of the night. That is my biggest concern. We do wake up once a week at between 3:30 and 4:30 with the dump truck coming to dump Jump Time's garbage. So, that's a big concern for me as well. As well as the 20 something parking spots that will be shining in our backyard if we are sleeping. Maybe somebody is going to park overnight. Who knows at this point. But those are my concerns as well and definitely would want some sort of barrier wall, because right now there is just a chain link fence that separates our properties, so --

Seal: Okay. Quick question for you. I mean as -- as I look at this -- and the comment that I made earlier was -- and this is more -- I'm -- I'm literally asking a question of -- because from -- from my point of view, how I'm looking at it, you know, trying to imagine I lived there, I would kind of rather have the parking lot for that separation, because -- I mean are you saying that maybe something should be considered more -- you know, put the building closer to the property line and have the parking and the -- you know, the trash bins on -- you know, especially on the other or is that something you would rather see?

B.Royer: I wouldn't -- either way I'm not opposed to either one really, except lights at night. When somebody's coming to get in their car and we are trying to sleep and, then, you have got the backing up and the moving of the lights or a car alarm goes off it's going to be just constant noise. If there was a building there, then, we get to look at a building. So, honestly, just to see that property cleaned up is going to be a -- you know, a positive.

Seal: Great. Okay. Thank you very much. I appreciate your testimony. Madam Clerk?

Hall: Kent Brown.

Seal: Good evening, Kent.

Brown: Good evening. Before I start I'm going to talk about Mr. Yearsley. I appreciate all your service. I only served for a short period of time, but I understand the amount of hours that you put in and you have been doing it for years and really appreciate that.

Yearsley: Thank you.

Brown: For the record my name is Kent Brown. My address is 3161 East Springwood. I have lived in the neighborhood for 30 plus years. Thirty-three years. The commercial development that's the L-O when it went in that was kind of a shock to those neighbors. But one of the concessions that they did is that they put really tall Arborvitae trees that were there. Recently someone thought that they wanted to remove them and the neighbors had to remind them that it was in the development agreement that those be there and help buffer. That buffer that -- that those trees have created is maybe some of the trees that they are talking about to create the -- the pedestrian pathway. But those -- those being there have made that really livable for that corner and it has also helped protect us -- that building sits loud and proud there on that southwest corner of Eagle and Franklin Road and it blocks some of the noise that you get from there. We have seen that that's been a -- kind of a 9:00 to 5:00 type of an operation and that's been really nice. The -- you can see the custodians out there until those trees got big and when the trees got big, then, you lack that -- that influence. I -- I don't have anything against the design. I think the -- the proposed landscape strip, if it provided some kind of protection similar to those trees and that that was in the development agreement, I think it helps -- helps be a better neighbor. It's definitely the right use at -- at that -- that location and I -- I don't see anything necessarily wrong with where the buildings are located. It -- it has to go against some residential neighbor, but it is kind of interesting to look and see Jump Time looming through the backyards of these houses and it looks a lot closer than the aerial shows it. It looks like it's sitting right on top of the house as you drive through the neighborhood. But you have some of those mixed uses that are in there that take place. I think as long as there is a good buffer between the two it just makes a -- a better neighbor. I will stand for any questions you might have.

Seal: Any questions? Thank you very much. Appreciate that.

Brown: Thanks.

Seal: Madam Clerk?

Hall: I do not have anybody else signed up.

Seal: Anybody else would like to testify? Ma'am, come on up. Good evening, ma'am. Just need your name and address for the record and the floor is yours.

Taylor: Amanda Taylor. 2998 East Springwood Drive. We are the property directly in the center of the south part of this property. I just wanted to point out a couple of things. First of all, we were hoping at the initial meeting when they met us on the property -- which was great by the way -- they -- they had a different picture, so I'm really glad to see that the potential proposal would be that larger property that's directly up against the backside of our property is actually turned now, which is really nice. We appreciate that. A concern that I have -- there has already been an issue with homeless people on the backside of Jump Time and I'm not sure if you guys are aware of that and so creating another space where people could sort of hunker in behind our back fence and the back of that building is a little worrisome for me with four kids. Also if -- we don't know how many stories the building -- I think -- I don't remember what they said the zoning would potentially allow, but that is going to probably mean that there is going to be people in offices late at night or a school or whatever it ends up being, looking directly into our backyard into the back windows of our home. So, again, like the gentleman that talked earlier -- or just right before me, if there could be some tall trees to sort of be on the backside of that building or -- I know we had talked a little bit about the potential of there being a drive through. I don't know if moving that back building north just a little bit, so that police officers could sort of drive through and it wouldn't be sort of an comfortable, quiet, out of sight area for people that don't have any home. So, those are the two things that I wanted to just bring up as concerns that I have, so --

Seal: Okay. Thank you. Appreciate that. Bill, I don't know if you can answer the question on the fly here, but is a two story or larger -- or taller allowed?

Parsons: Mr. Chair, Members of the Commission, it is. Actually, the zone allows up to 50 feet. But I don't think they are going to put a 50 foot tall building on here. I know when we worked on the adjacent property I believe the DA restricted the height to 35 feet, like a residential zone, and we don't have that proposed at this time, but that's something that you could recommend as -- as a Commission to minimize some of those concerns of the neighbor. Also want to mention to you that because the site does abut a residential zone or use it does require a 25 foot landscape buffer along the west -- or at least the south and east perimeter as well and that will be vegetated heavily with trees, shrubs, and other ground cover and if a fence or wall is something that you want included I would also suggest you put that in the development agreement as well. With the Jump Time project -- or at least when I worked on it back in 2009 when it was annexed is they were actually going to do a block wall -- eight foot wall and they worked with the neighbors to do that and that got removed when the DA was modified to do an eight foot vinyl fence, if I'm not mistaken. So, I don't know if that's something that the applicant's willing to do or help

make some of those concessions for the neighbors to eliminate -- or void -- you know, minimize some of those concerns.

Seal: Okay. Thank you very much. Appreciate that. Thank you, ma'am, for your testimony. Appreciate that this evening. It's good to have all of that input at this stage, instead of the final stages for sure. Do we have anybody else that would wish to testify this evening? I don't think anybody is left online. All right. Would the applicant like to come back up?

Thompson: Mr. Chair, Members of the Commission, Tamara Thompson again. I will just address a few of the comments. We did have a neighborhood meeting, so we have met with all of these neighbors. Ms. Taylor, what she mentioned -- this building currently is more north-south. We had it rotated 90 degrees and they had asked us if -- if, you know, something like that could be modified and so we did make that change. The -- but I do want to point out this is a conceptual plan. You know, the -- the actual may be different. It needs to be substantially consistent or we would have to come back for a development agreement modification. As far as the landscaping, the city code has requirements when you are adjacent to residential. So, I -- I feel like it has been addressed and we will definitely comply with those as far as the -- the larger landscape buffers and, then, we can work with -- with the CZC and with staff on what trees would be appropriate in that area, to make them maybe a little closer together, or strategically place them so that they are placed, you know, for the best blockage, I guess for lack of a better term, for -- you know, for where windows are and stuff like that. The other thing is for -- as far as fencing, the Jump Time does have a -- I don't know that it's eight foot tall, but it does have a pretty tall vinyl fence and, then, it does not really have any trees in their back -- in that back buffer. It's a pretty big building setback, but not a landscape setback, so -- because there is a drive aisle that goes around the whole thing. So, we were looking at not creating that activity with drive aisles back behind there, but when we have -- when we have an end user and the actual building footprint, then, we will look at that closely and I think we can work with staff on -- on exactly how to put that in and with the neighbors.

Seal: Great. Appreciate that.

Thompson: See if I -- oh. And, then, we are planning on putting a solid fence and, then, the landscaping.

Seal: Okay.

Thompson: So, I think that addressed everything. So, I will stand for questions.

Seal: Any questions?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: My apologies. Mr. Chair, so just -- I understand that this is conceptual, but would you be -- you know, one of the things that they talked about was the restriction -- height restriction to 35 feet. Would you have issues with that in the DA agreement?

Thompson: Mr. Chair, Commissioner Yearsley, I would need to ask my client about that.

Yearsley: Okay.

Thompson: To -- to determine that for sure. Fifty feet is -- is pretty high for that size of a parcel. So, I think the 35 would be okay. But -- but I -- again, I would want to confirm that with them.

Yearsley: Okay. And, then, again, the -- the site is conceptual, but -- and we can work with staff to make sure that the dumpster gets relocated and not behind the gentleman's house, so -- like I said, I don't know if that's a motion we need to make, but just consider that as a consideration when you do the final site design.

Seal: Other Commissioners have questions? None? All right. Thank you very much. Appreciate it.

Parsons: Mr. Chair, Members of the Commission, I looked -- I'm looking at the Jump Time DA and Tamara is correct, it's six foot along the south boundary, eight along the west boundary, so --

Seal: Okay.

Parsons: -- I think -- I think that was the intent, that the neighbors wanted it to match kind of the existing residential in the area.

Seal: Okay. Thank you very much. Appreciate that, Bill. And with that can I get a motion to close the public hearing for H-2022-0090?

Wheeler: So moved.

Yearsley: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2022-0090. All in favor say aye. None opposed. Motion carries. The public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Seal: Anybody like to add -- add to -- I think I have thrown in -- I -- I hate to condition too much based on a concept. I have kind of seen us go down that road and it's -- you know, that -- we want to make sure we are being consistent and responsible, but at the same time we don't want that to backfire too much. So, you know, even the proposals -- or the information that I gave or the proposals that I gave in there I would hate to condition

something like that, especially where it's conceptual. So, I mean the only thing I would like to see is that they continue to work further with the neighbors. You know, it's -- it's tough, you know, to put things side by side that are different, you know, commercial versus residential for sure. So, hopefully, it's done in a -- you know, responsible way with a 25 foot buffer and landscaping and fencing and everything. I think that that will help accommodate all of that. As far as the noise from the trash, that's -- that's a tough one, so -- there is only so much space on a -- on a -- you know, on a parcel like this. So, hopefully, they can accommodate that as much as possible.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: Since we are just doing the annexation and it does go to City Council for final approval, I think any type of -- like you said with the conceptual thing that can be worked out during the development agreement. All we are doing is annexing this into the city from Ada county.

Seal: Correct.

Lorcher: And if that's the case, then, moving this to commercial based on the current land use to the east and to the west, it makes sense.

Seal: I would agree.

Wheeler: Oh, go --

Seal: Go right ahead. Commissioner Wheeler.

Wheeler: No, I'm -- I'm -- you know me, I'm a fan of these in-fill projects. I like to see the creativity. I like to see the way they can use these -- take these parcels and turn them into something that's productive for our community. I'm -- you know, I'm optimistic that -- that -- that the developer will work, you know, well with the neighbors according to what they have said -- what their representative has said here today. And -- and, yeah, exactly, when we see the final projects come through, we can take a look at some of those details at large about the landscaping buffers, the -- the height of the -- the fencing, where those -- you know, making sure they see that the neighbors are amiable to what's going on, the location of the dumpster, and even hours for dumpster pickup, I think we can have some sort of encouragement on that on the DA, I believe, on -- when the -- when the dumpster pickups are. So, this seems to be a good use for -- for this location of this property.

Seal: All right. Thank you very much.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go right ahead.

Yearsley: I think they have done a very good job of the site -- the site layout. I appreciate that they put the car -- the -- more of the restaurant style in the front and the -- and an office style in the back to kind of minimize the impact of the adjacent homeowners. Since the site plan is actually as part of the development agreement, I wouldn't mind seeing the site plan being modified to move that dumpster more to the center of the property on the east side, just making sure that that gets kind of memorialized in this. And, again, since we are a recommending body to City Council, I would recommend that we restrict the height to 35 feet as in the -- in the DA modification and at that point Tamara can actually talk with the applicant and, then, they can negotiate that with City Council at that time and -- and -- and make those decisions and stuff, since we are the recommending body. So, I do appreciate that they are doing a solid wall fence. I don't know if -- personally if we need to recommend anymore than that. So, with that that's the only two modifications that I wouldn't mind seeing with this application.

Seal: Okay. Thank you very much. Commissioner Grace, do you have anything to add?

Grace: Mr. Chairman, no. I generally agree with the comments made by the other Commissioners. They were well said. I do think the concerns and the possible solutions raised by the -- the public testimony of the neighbors are reasonable and when the time is right I -- I think I would like to see the applicant work with them and -- and take those into consideration. But as was said already at this stage of the annexation, you know, that -- that might be a little premature. But I think they are on the record and it's been documented and they are reasonable to my estimation. So, that's where I fall.

Seal: Okay. Thank you very much. And, again, I really appreciate the testimony that everybody gave tonight. It's nice to have, you know, good constructive feedback that's going to, you know, obviously help shape this parcel and -- and -- and this project, you know, for years to come. And with that, Commissioner Yearsley.

Yearsley: So, since this is my last time they give me the opportunity to do all the -- the motions, so -- and since I was the one that actually recommended the -- the -- the -- the modifications, I will go do this. After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of File No. H-2022-0090 as presented in the staff report for the hearing date of January 19th, 2023, with the following modifications: That the dumpster on the south end of the property be relocated on the site plan to more of the center of the -- the property away from homes and that City Council discuss with the applicant to add a deed restriction for the -- or not -- sorry. Height restriction to the -- the office building to 35 feet.

Seal: Is there a second?

Wheeler: Second.

Seal: It's been moved and seconded to recommend approval of File No. H-2022-0090, with affirmation -- aforementioned modifications. All in favor, please, say aye. None opposed. Motion carries.