

5. Public Hearing for McFadden Property (H-2021-0048) by Doug Tamura, Located at 104 W. Cherry Ln.

- A. Request: Annexation and Zoning of 17.87 acres of land with the C-G zoning district.

McCarvel: Next on the agenda is H-2021-0048, McFadden Property, and we will begin with the staff report.

Tiefenbach: Okay. Thank you very much, Madam Chair. Can you see my screen? I'm assuming yes.

McCarvel: Yes.

Tiefenbach: Okay. This is a -- this next one is a request for an annexation and a rezoning. The property consists of about seven -- a little -- not quite 18 acres of land, zoned RUT in the county, located at the northwest corner of North Meridian Road and West Cherry Lane. Probably recognize this property. It often has horses on it. Large rural piece of property surrounded by city. So, the property is bordered by L-O and R-8 to the north, West Cherry Lane and OT to the south. There is commercial, which is the Albertson's across North Meridian Road to the east and R-8 to the west. The Comprehensive Plan recommends this property for MUC. So, a little history on this. What you can see on the left is basically showing the property. What you are seeing on the right is concept plan. The -- so, this annexation and zoning of 18 acres of land is proposed to annex it with the C-C zoning district. The reason why this is being done is that the north -- the Meridian Development Corporation is writing a new Northern Gateway Urban Renewal Plan. As they have been working on this plan they approached this property owner about annexing this property into the district, which is the reason why this is being moved forward. So, they don't have a very clear concept plan at this point, it's mostly conceptual, because, again, the purpose of this is just to get this into the urban renewal district. The future land use map designates this property for mixed use community, so that's allocating areas where community service uses and dwellings are seamlessly integrated into the project. What you see on the right is a conceptual plan that they submitted. The plan shows three buildings oriented along Cherry Lane. That's what you see here at this corner and, then, there is five more buildings to the north along North Meridian, with the parking to the back and to the side. Where you see that large box, according to this concept plan, is what is known as phase two. In their narrative the applicant suggested what they wanted to do is to develop the buildings right here at this intersection first, including possibly a gas station with a convenience store, maybe retail or office, and, then, as the second phase they would be doing multi-family uses. The applicant proposed -- this has been quite a bit of discussion with the applicant with Meridian Development Corporation and the city -- sort of a comprehensive effort between all three of us. The applicant knows that before any specific uses can be built after that they would have to do a development agreement modification. We do mostly support what the applicant wanted to do, but we weren't okay with all the commercial along North Meridian being built out without a further plan, just

because this is a large piece of property, a lot of work with Meridian Development Corporation, we want to make sure that it builds out with the -- the real mixed use type of concept that is required. However, we do think that those three buildings right there on the corner could probably be built initially and wouldn't have a huge impact on the rest of the project. That's why we do support a limited amount of commercial. Again, those three buildings, two along West Cherry Lane and the one right there just south. We are okay with that being built out. We are not okay with the rest of it along North Meridian Road being built out with the concept plan as it is. So, as I said, based on this we recommend allowing development of the first three commercial buildings, which would be along the West Cherry Lane frontage and south of that existing access. Our recommendation would be a development agreement with -- with plans that are consistent with the mixed use community designation of the Comprehensive Plan and the Northern Gateway District. We received one letter of support from the Meridian Development Corporation and they -- they were in support of this project, but they mentioned how important it was about the timing on this project, because they are working on a timeline that includes this project, but they have to get their North Gateway plan to the Council at a certain point during -- based on statutory requirements. So, if this -- if this particular approval stalls out, then, that could stall them out. We do recommend approval of this annexation and we have certain conditions. The first one is that with the first phase of development the applicant -- we would be okay with them building up to three commercial buildings along West Cherry Lane and south of the existing access, as indicated on the concept plan. The applicant after that will have to submit a plan -- or sorry. As part of that first phase the applicant would have to submit a plan illustrating how the pedestrian connections in the first phase would tie to the future development, because we do want to make sure the whole thing works together. Also we want to make sure that the applicant works with the city and the MDC on the design of an entry feature at the southeast corner. There is a lot of discussion in the plan about entry features and sense of place. So, we wanted to make sure there was a gateway or some kind of feature. We would want to make sure that those buildings, as it was built out, were oriented knowing that that feature was going to happen. With the first phase staff would recommend that the developer has to install the 25 foot landscape buffers. Beyond that -- after that in the other development we would recommend that the developer would have to submit a development agreement modification that would come through to you and the Council and that develop -- that development agreement would address things like concept plan, general layout and configuration of buildings, circulation plan, open space, conceptual building elevations. So, it would be the whole thing shown as it was going to develop comprehensively. Also we are recommending that whatever they do in the future it would comply with any future design concepts of the Northern Gateway Plan. There is some requirements on the size of building square footage. That's because the -- the Comprehensive Plan actually talks about how -- what the maximum size of building should be in a mixed use neighborhood. There is a requirement on how many -- at least three types of uses and there is a limitation on that -- that at least 20 percent of it has to be commercial at a density of six to 15 dwelling units. I know that's a lot, but in general basically what this would do is allow the first three buildings to get built, as long as they had a pedestrian plan showing how that would work and installing the landscape buffers. With that I would stand for any questions or if the applicants wants to say something.

McCarvel: Thank you. Would the applicant like to come forward?

Tamura: Madam -- can you hear me? Madam Chair, Members of the Commission, my name is Doug Tamura. I reside at 732 Santa Paula Place in Boise, Idaho, and I'm the owner of the McFadden property located at the northwest corner of Meridian Road and Cherry Lane. This spring I was pleasantly surprised when the City of Meridian reached out and requested that I become a part of the Northern Gateway Urban Renewal District. I'm here tonight to request both annexation and zoning. I concur with staff's findings of fact and conclusions and conditions of approval. I'm a small town developer, but my goal is to make this property the keystone of the Northern Gateway Renewal District. Appreciate your consideration.

McCarvel: Thanks.

Tamura: Any questions?

McCarvel: Yeah. Any questions for staff or the applicant?

Tamura: All right. Thank you.

McCarvel: All right. Thank you. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we have a couple of people signed in, but nobody indicating a wish to testify.

McCarvel: Okay. With that being said, is there anyone in the room at this time that would like to testify or on Zoom? Sir, come forward.

Rice: My name is Earl Rice and I live in Marsing, but I am representing the Church of God Seventh-Day Meridian Church at 1808 West 3rd Street and also the General Council of Church of God at 1824. We own the property right to the west of this property right behind the U.S. Bank all the way back to the end of that property. Questions I have, obviously, is traffic coming along now our property. We have a park area. We are going to get more traffic onto our park area that we have been cultivating. I have -- we have a lot of concern for that. We -- our facilities get used every single day by multiple churches, not just by us. The safety of the children and the people there -- I was looking at the concept that shows the road going right alongside of our property and that just takes away from what we have been trying to develop and so that's a big concern and, then, putting the phase two is a real big concern for me as well for us, because it shows multiple things that could go in there, like hotels and offices and -- tall stuff. We -- that just detracts so much from the feel that we have created there and so that was were a big concern for us for that.

McCarvel: Okay. Thank you. Anyone else that wishes to testify? Okay. Would the applicant like to make any other comments?

Tamura: Madam Chair, Members of the Commission, Doug Tamura. In talking with staff in preliminary, it was requested that we provide some kind of access to our property to the church's property in that -- in that northern section. You know, we are a long ways from, you know, reaching what -- what that vision looks like, so -- but, you know, we could put that as a condition of approval if we need to. But I know that it's been addressed.

McCarvel: Okay.

Yearsley: Madam --

McCarvel: Commissioner Yearsley.

Yearsley: Madam Chair. I'm assuming as you develop your property that you would probably fence your boundary as well, is that not the case?

Tamura: You know, it's -- it's a large parcel and I want to make sure and do it right, so our intention is to move relatively slowly and -- and, you know, and -- and the other thing that we are concerned about is the buffering of the single family residential to the north and, again, I promised that neighborhood that we would be conscious of making sure that we do things right as far as your privacy and your buffering and stuff. So, when we get to that position, you know, with both the church and with the neighborhood to the north, we will -- we will get them involved and make sure that we, you know, design whatever is necessary to -- to be good neighbors. But, you know, it's -- it's an 18 acre development, so it's -- we have got a long ways to go. So, our main goal right now is just annexation and rezone. Thank you.

McCarvel: Thank you. Any other questions at this time?

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I'm not sure if this is the right time to ask it. So, he would still -- the developer would still have to put together a developmental plan as far as where the streets and buildings are going to go, even -- even though there is a conceptual idea here. The concerns of the church and what he addressed was the concerns of the neighborhood can be directly addressed during the developmental planning stage; correct?

McCarvel: Yes.

Lorcher: So, we are just voting on, like he said, the annexation.

McCarvel: Okay. If there is no other questions, could I get a motion to close the public hearing on H-2021-0048?

Seal: So moved.

Grove: Second.

Yearsley: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0048. All those in favor say aye. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: Apparently I'm not the only one that had a long day. Thoughts? Concerns? Discussion?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I like the way that staff has gone about this where we can see some -- some, you know, things happening right away, but -- and it's refreshing to hear the -- the applicant say this as well, where they want to take their time and move into this. So, you know, we can see some development happening in there, some businesses coming in. I'm really happy to see that this is going to be very business oriented. We need more of that in our town. But there is also the phase two piece of it and there is concerns that have been raised from the neighbors. It sounds like they are going to be addressed and I hope that they honor that. They tried to build something in there that's going to keep that somewhat secluded back there, keep it more of a neighborhood kind of feel, instead of a commercial kind of feel, so -- and if that can't be accommodated, then, hopefully, some -- some type of noise mitigation is put in there or, you know, something along those lines in order to help out with that. But for the most part it looks -- it looks promising to me. I'm happy to see development like this come into Meridian.

McCarvel: Yeah. I agree. I think there is a lot of potential there and a lot of room for good transitions all around.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: So, having been in downtown, both living and working, for a while now, I'm excited to see this move forward. I can walk out my door and see those horses. So, I'm ready to see what happens here. I know with working with urban renewal, there is additional tools that will be able to help this project develop, along with the other parts of that urban renewal district. So, I think, you know, getting this moving forward is -- is very important, so that those plans can be, you know, incorporated. It will be a lot more difficult for this property to develop without some of those tools and so I think that, you know, getting it moving forward so that those tools can be utilized is a very important aspect for this project overall. I'm less concerned with any of the phasing, so much as moving this

project forward, allowing those partners and those resources to be properly utilized.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: I have a question concerning the zoning here. So, I'm seeing here that it was C-C; is that correct? Initially? But, then, it was -- it was actually asking for C-G; is that right?

McCarvel: Other way around.

Wheeler: Other way around. He's asking for C-C.

McCarvel: Yeah.

Wheeler: Okay. So, is there a height limit, then, or restriction on C-C on some of the buildings compared to C-G?

Tiefenbach: Would you like me to answer that, Madam Chair?

McCarvel: Go ahead, Alan.

Tiefenbach: Yeah. I believe it's 55 feet and my understanding he wants to go to 65 feet. This was actually probably the most contentious issue with -- that we had discussed, because the applicant really wants to go higher than that. He has the ability -- so, with the 55 feet that's required by C-C, he has the ability to do a conditional use to ask for a higher height, just depends on where the building is, what the building is. That would be something that would be coming in front of you. Originally he did want to do C-G and we were not supportive of that, because there are some very -- other intensive uses as well with the automatic entitlement for 65 feet. We recommended C-C. It was an object -- it was a -- it was a topic of quite -- quite a lot of debate. At the end of the day, again, he's okay with C-C, understanding that he's going to have to do the conditional use to go higher than that.

Wheeler: Okay.

McCarvel: It's in the future when -- there is some play on there.

Wheeler: My -- my only -- my only concern on the C-C with the 55 foot -- they can go up to 55 feet and, then, beyond that with -- with the CUP is that this butts up next to single family dwellings and that was also one of the concerns that the testimony from the church was about was the -- just kind of that density side. So, I'm wondering if -- can we -- can we allow for two different kinds of zoning on this, the one that's closer to the road and, then, something that's more interior might be of a less density?

McCarvel: I guess allow -- I mean have full discussion, but looking at that north end there and it looks like he's got two story residential -- office -- an office upon the end as a -- as transition. I think that's -- there is a lot of room there for a lot of different -- sort of transition to allow for proper transition.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: On that north side also, once you step back past the -- the water, it drops in elevation quite a bit and so you are not going to be able to necessarily grade some of that out I don't think. So, I think some of the concerns of going large next -- on that northern portion will be limited in the -- just the topography of the parcel itself.

Tiefenbach: Madam Chair, can I, again, add some clarification on that?

McCarvel: Yeah. Go ahead, Alan.

Tiefenbach: Yeah. I guess -- I wanted to say this again. With the first phase you want -- the first phase all he wants to do are these three buildings. Based on what he wants to do and based on this concept plan, it's extremely unlikely that those are going to be more than one story. Anything other than that has to go through a DA modification and all of the height issues can be controlled under that DA mod. He would have to show an entire development plan of this whole thing. So, he wouldn't -- he's not -- he's not entirely entitled to do C-C, he's entitled to build this. But after this he has to do a DA mod, which would include the entire development plan. So, all that stuff could be controlled.

Wheeler: Okay. Very good. Thank you.

McCarvel: Thank you. Anymore discussion or a motion?

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0048 as presented in the staff report for the hearing date of September 16th, 2021, with no modifications.

Seal: Second.

McCarvel: It has been moved and seconded to approve H-2021-0048. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.