

Meridian Planning and Zoning Meeting

June 1, 2023.

Meeting of the Meridian Planning and Zoning Commission of June 1, 2023, was called to order at 6:02, p.m. by Chairman Andrew Seal.

Members Present: Chairman Andrew Seal, Commissioner Patrick Grace, Commissioner Jared Smith and Commissioner Mandi Stoddard.

Members Absent: Commissioner Enrique Rivera, Commissioner Maria Lorcher and Commissioner Nate Wheeler.

Others Present: Joy Hall, Kurt Starman, Bill Parsons, Sonya Allen, Stacy Hersh and Dean Willis.

ROLL-CALL ATTENDANCE

_____ Nate Wheeler	_____ Maria Lorcher
<u> X </u> Mandi Stoddard	<u> X </u> Patrick Grace
_____ Enrique Rivera	<u> X </u> Jared Smith
<u> X </u> Andrew Seal - Chair man	

Seal: Good evening and welcome to the Planning and Zoning Commission meeting for June 1st, 2023. At this time I would like to call the meeting to order. The Commissioners who are present for this evening's meeting are at City Hall and on Zoom. We also have staff from the City Attorney and Clerk's offices, as well as City Planning Department. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions until the public testimony portion. If you have a process question during the meeting please e-mail cityclerk@meridiancity.org and they will reply as quickly as possible. With that let's begin with roll call -- roll call. Madam Clerk.

ADOPTION OF AGENDA

Seal: Okay. Thank you very much. First item on the agenda is the adoption of the agenda. We have the application for Shoemaker Franklin, H-2023-0008, and Cole Valley Christian School, H-2023-0011 -- will be open for -- or will be open for the sole purpose of continuing to a regularly scheduled meeting. They will be opened only for that purpose. So, if there is anybody here tonight to testify for these applications we will not be taking public testimony on them. Can I get a motion to adopt the agenda as -- as amended?

Smith: So moved.

Grace: Second.

Seal: It's been moved and seconded to adopt the agenda. All in favor say aye. Motion

passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

CONSENT AGENDA [Action Item]

1. **Approve Minutes of the May 18, 2023 Planning and Zoning Commission Meeting**
2. **Findings of Fact, Conclusions of Law for Dutch Bros at Ten Mile (H-2023-0020), located at 320 & 330 S Ten Mile Rd., by Barghausen Consulting Engineers, Inc.**

Seal: Next item on the agenda is the Consent Agenda and we have two items on the Consent Agenda. The first is to approve the minutes of the May 18th, 2023, Planning and Zoning Commission meeting. The second is Finding of Fact and Conclusions of Law for Dutch Bros at Ten Mile, H-2023-0020. Can I get a motion to accept the Consent Agenda as presented?

Smith: So moved.

Grace: Second.

Seal: It's been moved and seconded to adopt the Consent Agenda. All in favor say aye. Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Seal: Okay. At this time I would like to briefly explain the public hearing process. We will open each item individually and begin with the staff report. Staff will report their findings on how the item adheres to the Comprehensive Plan and Unified Development Code. After staff has made their presentation the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant is finished we will open the floor to public testimony. Each person will be called on only once during the public testimony. The clerk will call the names individually of those who signed up in advance to testify. You will need to state your name and address for the record and you will have three minutes to address the -- the Commission. If you have previously sent pictures or presentations for the meeting it will be displayed and you will be able to run the presentation with assistance from the clerk if needed. If you have established that you are speaking on -- on a large group, like an HOA, where others from that group will allow you to speak on their behalf you will have up to ten minutes. After all those who have signed up in advance have spoken we will invite any others who may wish to testify. When you are finished if the Commission does not have questions for you you will return to your seat in Chambers or be muted on Zoom and no longer have the

ability to speak. And please remember we generally do not call people back up. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant is finished responding to questions and concerns we will close the public hearing and Commissioners will have the opportunity to discuss and hopefully be able to make final decisions or recommendations to City Council as needed.

ACTION ITEMS

3. Public Hearing for Compass Pointe Subdivision (H-2023-0004) by A Team Land Consultants, located at 3245 and 3247 S. Locust Grove Rd.

- A. Request: Annexation of 7.69 acres of land with an R-8 zoning district.
- B. Request: Preliminary Plat consisting of 21 residential building lots and 6 common lots.

Seal: With that at this time I would like to continue the public hearing for Item No. H-2023-0004, Compass Pointe Subdivision, and we will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commissioners. The applicant -- this project was continued on May 4th at the Commission hearing and the applicant is here to discuss the project again. The applications that were submitted were annexation and zoning, preliminary plat, private streets and alternative compliance. The applicant has addressed all of staff's conditions and resubmitted plans and I will go ahead and show you. Resubmitted the preliminary plat to address the ten foot sidewalk along Locust Grove. The turnaround prior to the gate. A sidewalk connection to Victory Road. And the required landscape buffers do meet the requirements of the UDC and the 25 foot requirement as well in width. And, then, I will just go ahead and start with the -- they also submitted revised elevations -- additional ones to show us how the -- the street -- the private street to the north would look with the different houses. So, it's not one continuous monotone plane. And, then, I also pulled from ACHD's report to talk about the level of acceptable service. The road was given an F from ACHD. However, the roadway segments are going to be improved and these are the timelines. So, the bridge over Ten Mile on Victory Road is scheduled to be replaced and widened in 2023 and the other bridge over Ten Mile Creek on Locust Grove is scheduled in the FY plan designed to be in 2023 and widened in 2026 and I can go to ACHD's website and pull up their map to show you the timelines that's happening in that area next to this project. All righty. So, currently -- this is Locust Grove widening and this is the roundabout that ACHD is currently working on at Locust Grove and Victory and those are both 2023 projects. So, you can see that that's actually being done now and the roads are closed. And, then, the bridge project that's up through here is scheduled for 2023 as well and that will be worked on after the roundabouts, so -- and it also goes to Overland. So, I just wanted to point that out on their website. And that concludes staff's presentation for tonight about this project and I stand for any questions.

Seal: Thank you very much. Would the applicant like come forward?

Arnold: Mr. Chairman, Members of the Commission, for the record it's Steve Arnold. A Team Land Consultants. 1785 Whisper Cove, Boise. 83709. As I was talking to Stacy earlier tonight, I really don't have a lot of a presentation. We have -- you have heard me speak on this project probably more than most and you are probably tired of listening to me. To recap, I mean we originally had this approved by the -- the -- this board with about twice as many lots as we have now. The only thing that's really changed on this is the -- we went from townhouse to single family and that was done based on the direction of the Council. You know, after -- this got denied once by the P&Z. We went to City Council. We asked for them to remand it back to you guys. Then you guys approved it. We went to City Council and Council is -- nay, townhomes we don't like. So, we have -- it was denied and, you know, we waited the year time. It -- it -- we resubmitted and we think -- we know that -- I think we have addressed all of City Council's concerns, so I -- there is not much more I can add to this tonight. So, I will stand with questions.

Seal: Commissioners, do we have any -- any questions for staff or the applicant? Go right ahead.

Grace: Mr. Chairman. Steve, just a question about the sidewalks. Am I accurate in looking at the history of this project and concluding you went from five to ten feet, but only for a certain portion of the -- of the sidewalk along -- I think it's Locust?

Arnold: Mr. Chairman, Commissioner Grace, no, that's incorrect.

Grace: Okay.

Arnold: So, we -- we went from five foot along Locust Grove and five foot along Victory to the ten foot. Actually, I think Victory has always been ten. We just changed it along Locust Grove. The internal sidewalk has not -- not changed. It -- it's five foot adjacent to the private road.

Grace: Okay. But you are -- you are in compliance with the staff recommendation on the ten foot on the arterial roads?

Arnold: Yes. Mr. Chairman, Commissioner Grace, I -- I guess I should have stated this in the beginning, but we are in compliance with the -- all of the staff report and all the agency requirements, so we can comply with all of the staff report.

Grace: Okay. Thanks. I was just confused about that piece of it.

Arnold: Sure.

Grace: Thank you.

Seal: Okay. Any other questions?

Hall: Mr. Chair?

Seal: Oh, go right ahead.

Hall: Mr. Chair, there is nobody signed up or online.

Seal: Okay. Is there anybody in the audience that would like to testify on this? Might make this quick for you here. So, nothing further to add? No other questions? All right. Thank you.

Arnold: I have no rebuttal.

Seal: All right.

Arnold: Thanks for your time.

Seal: Thank you. Appreciate it. With that can I get a motion to close the public hearing for File No. H-2023-0004 for Compass Pointe Subdivision?

Smith: So moved.

Stoddard: So moved.

Seal: Got a second?

Stoddard: Second.

Seal: Motion and second to close the public hearing for File No. H-2023-0004. All in favor, please, say aye. Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: I will jump in first. Stacy, thank you very much for getting the additional data on the roads and everything there. So, reading through the ACHD report Locust Grove was graded as an F, which is basically subpar for service in that area, but as you can see 2023 is when that is going to get widened, so -- and there is other work that's going on in the area and that's already been completed. So, I have seen this application quite a few times in the four years I have been here, so glad to see that it's, you know, kind of landing where it is. It's been -- it's -- it's been quite the battle to get this in here and get that little piece of land developed. It's definitely -- it is an odd piece of in-fill that -- that's -- that's in there and I -- I'm -- I'm pretty happy with what ended up -- I mean between, you know, what the Commission and Council recommended on it I think you did a good job of -- of putting it in there the best -- you know, the best way you possibly could without, you know, making it something that's not going to be enjoyable for the folks that live there. So, I'm -- I'm in favor of moving this forward to City Council. Commissioner Grace?

Grace: Mr. Chairman, I -- I would agree with you. The -- I -- I like the -- what I saw and I remember this from several weeks ago and I liked what I saw in reviewing this in preparation for tonight's meeting. I still do think that you might have a challenge on your hand with having the HOA sort of make people park in garages. Having served on an HOA I know that's not always easy and if the private street can't handle the -- the off-street parking, then, you know, that could be an issue. But it is what it is. Just a question for clarification. So, the director has already approved or he has just indicated his support of the alternative compliance with the private street and is that anything we have to -- it looked like we don't have to take action on it, but do we have to at least focalize some sort of support for that?

Hersh: Mr. Chair, Commissioner -- Commissioner Grace, so the director has already approved it. There is no need for you to take action on it.

Grace: Okay. Thank you.

Seal: All right. Commissioner Stoddard, Commissioner Smith?

Stoddard: Nothing from me.

Smith: Yeah. I think -- I mean we have -- we have seen this before and it seemed like there were just a couple of things last -- you know, to button up at the last hearing and it seems like they have gotten everything buttoned up. So, I have no additional comments or feedback. It seems like it's the best use of, you know, what you stated is -- is an odd piece of land, odd piece of in-fill, and, you know, going from the previous kind of strong resistance to this to, you know, no -- no one commenting seems like, you know, a lot of the previous complaints have -- have all been addressed. So, yeah, fully support this.

Seal: Commissioner Stoddard, do you have anything to add?

Stoddard: No. I agree with what you guys said, so --

Seal: All right. With that I will take a motion if anybody wants to take a crack at one.

Smith: Mr. Chair?

Seal: Commissioner Smith.

Smith: Make sure I'm reading the right file number, but -- yes. After considering all staff, applicant, and public testimony I move to recommend approval of the City Council -- to the City Council of File No. H-2023-0004 as presented in the staff report for the hearing date of June 1st, 2023.

Seal: Do I have a second?

Grace: Second.

Seal: It's been moved and seconded to approve File No. H-2023-0004 for Compass Pointe Subdivision. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much. I appreciate your time again.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

4. Public Hearing for Cole Valley Christian School Pre-K-12 (H-2023-0011) by LKV Architects, located at 7080 W. McMillan Rd.

- A. Request: Annexation of 71.28 acres of land with an R-15 zoning district.
- B. Request: Conditional Use Permit for a 259,000 square foot private education institution for pre-kindergarten through 12th grade on 48.48 acres of land in the R-15 zoning district.

Seal: Okay. With that we will continue File No. H-2023-0011 for Cole Valley Christian School, pre-K-12 for continuance to the date of 6/15/2023. Somebody want to make a motion on that?

Grace: Mr. Chairman, I can try.

Seal: Okay.

Grace: Mr. Chairman, I would move that we continue agenda Item 4, File No. H-2023-0011, for Cole Valley Christian School to our next regularly scheduled meeting on June 15th, 2023.

Seal: The reasoning behind that is because we still haven't received the ACHD staff report.

Grace: Yeah. Yeah. My apologies. That's exactly right.

Seal: Okay. Do I have a second?

Smith: Second.

Seal: It's been moved and seconded to continue File No. H-2023-0011 to the date of 6/15/2023. All in favor, please, say aye. No opposed. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

5. Public Hearing for SWIG Meridian (H-2023-0014) by Bowman, located at 3471 W. Chinden Blvd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of another drive-through facility, residential district and existing residences.

Seal: Thank you. I would like to open File No. H-2023-0014 for SWIG Meridian and we will begin with the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of .59 of an acre of land. It's zoned C-G and is located at 3471 West Chinden Boulevard. The Comprehensive Plan future land use map designation is commercial. A conditional use permit is requested for a drive-through establishment within 300 feet of another drive-through facility, a residential district and existing residences on .59 of an acre in the C-G zoning district. There are three other existing drive-through establishments within 300 feet of the property. Key Bank to the west, Dutch Brothers Coffee to the east and Slim Chickens further to the east. There are existing residences and residential districts within 300 feet of the property to the west. A 665 square foot restaurant is proposed for SWIG, which serves sodas, cookies and pretzels. The proposed use will only have drive-through service. No indoor or outdoor seating, walk up order window nor speakers are proposed. The parking is for employees only. The proposed use and development plan is in substantial conformance with the provisions in the existing development agreement and with the specific use standards for drive-through establishments in the UDC. The applicant submitted a revised plan shown on the right earlier today that includes perpendicular, instead of angled parking, which allows vehicles to park without going around the building through the drive through, requiring the outside lane to remain open the entire length. This change allows an additional short overflow stacking area, which should prevent vehicles from blocking the drive aisle adjacent to parking. Staff is in favor of the proposed design with the following modifications to the conditions of approval. Deletion of Condition No. 2-E which prohibits stacking in the outside travel lane of the drive-through and a condition requiring wheel restraints in the parking spaces to be depicted abutting the pedestrian walkway on the east side of the site to prevent cars from overhanging beyond the designated parking stall dimensions as set forth in the UDC or widen the abutting sidewalk an additional two feet to allow for overhang. I noticed that does -- that is indicated on the site plan, but not on the landscape plan, so that's why I mention it. There has been no written testimony on the request and staff is recommending approval with the aforementioned changes to the conditions. Staff will stand for any questions. I believe the applicant is online tonight.

Seal: Okay.

Allen: Oh. I'm sorry. Thank you.

Seal: All right. Would the applicant like come forward then? Good evening. We will need your name and address for the record and the floor is yours.

Tenney: Hello. My name is Cass Tenney. My address is 5219 West Nokasippi Lane in

South Jordan, Utah. 84009. I work for Savory. We own SWIG, the restaurant proposed. I think she covered everything. We did make this last minute change to the site plan today for the parking. I just wanted to also mention that our original location is in St. George, Utah, and has a similar layout, because the parking stalls are only used for employees. As she said we don't have any customer access besides through the drive through. There has been no issues with parking stalls with the -- with our employees and customers coming in and out, just because there is not a lot of traffic, if you will, just coming and going to work.

Seal: Okay

Tenney: Any questions? Anything else?

Seal: Commissioners, any questions for the applicant? I will just throw it out there, just because there is a lot of drive-throughs out there. Have you -- have you put one of these into a location with this many drive-throughs?

Tenney: Yes. So, we -- this is our new prototype and we have put these in quite a few parking lots in grocery stores in Texas, even next to Dutch Bros, which I'm sure you are familiar with has quite the following. So, we have multiple sites that we are right next to them and we both bring a lot of traffic, but we move people through the line very quickly, so they are usually at the window for under a minute and we do the orders, like Chick-fil-A, with the iPads. So, they are just circling through very quickly.

Seal: Got you. Okay. Thank you very much. Madam Clerk, do we have anybody signed up to testify on this?

Hall: Mr. Chair, we do not.

Seal: Then would you like to come and testify? No? And the only person online is the engineer; is that correct? Okay.

Grace: Mr. Chairman?

Seal: Oh, go ahead.

Grace: I actually do have a question.

Seal: Okay.

Grace: Do you serve more than soda, cookies and pretzels or is that just like a sampling of what --

Tenney: No. So, we have soda, but -- it's all drinks. So, soda, water based drinks and we have our own proprietary energy drink. So, it's Starbucks, but soda and water, instead of coffee.

Grace: Are they pretty specialized cookies and pretzels I'm guessing?

Tenney: Yeah. Just -- we have kind of a specialty rotating menu of cookies and, then, pretzel bites. It all comes in prepackaged, so that's why we are able to keep it pretty small in there.

Grace: Okay. I was just curious. Thanks.

Tenney: It's -- I think you guys have Sodalicious in Meridian. Same thing.

Seal: Okay. Anybody else? No? All right. Thank you very much. With that I will take a motion to close public hearing for File No. H-2023-0014.

Grace: So moved.

Stoddard: So moved.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0014. All in favor, please, say aye. No opposed. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Yeah. I will start and say this one -- you know, outside of there is a lot of drive throughs out there, I just picture people, you know -- I'm going to go get a coffee and get a snack to go with it and get my chicken and go through to the bank and then -- you could spend an hour out there going through the -- and, then, you got to stop and get gas on the other side. So, that could be entertaining to watch out there. Other than that I -- you know, it's good to see more businesses, you know, coming into the Meridian area, especially ones that we haven't seen before that are chains and, you know, kind of blend in with, you know, more of our organic kind of mom and pop shops and things like that. So, it's good to see. Anybody else?

Grace: Mr. Chairman, I -- I agree. I -- I like the idea that this is a little bit unique and something different and to speak to the drive throughs, it -- you know, I -- I forget the name of the road, the -- the lane that's south of -- of the establishment, but, obviously, they are not -- you know, there is not an access onto Chinden or anything, so I'm thinking and hoping that that's -- that's going to make it okay. So, I -- I support this as well.

Seal: Okay. Commissioner Stoddard, anything to add?

Stoddard: No. I'm in support of it, too. I think it's good.

Seal: I will take a motion if anybody wants to throw one out.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: After considering all staff, applicant and public -- staff and applicant testimony, I move to approve File No. H-2023-0014 as presented in the staff report for the hearing date of June 1st, 2023.

Grace: Do we need to --

Stoddard: Second.

Grace: -- the two conditions -- the two additional --

Smith: Oh. With the addition of those two conditions mentioned by staff, the removal of Condition 2-E and -- could you clarify --

Seal: Parking barriers.

Smith: Oh. And the inclusion of the parking barriers as shown in the site plan, but not in the landscape plan.

Grace: I will second that.

Seal: Okay. It has been moved and seconded to approve File No. H-2023-0014 for SWIG Meridian. All in favor, please, say aye. No opposed. Motion passes and is approved.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for Shoemaker Franklin (H-2023-0008) by Hatch Design Architecture, located at 5317 W. Franklin Rd.

- A. Request: Annexation of 13.97 acres of land with an I-L (Light Industrial) zoning district.

Seal: All right. And with that -- thank you. And with that we will open File No. H-2023-0008 for Schumacher -- Shoemaker Franklin for continuance to the date of July 6th, 2023.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: I move that we continue the hearing for Item 6, H -- File No. H-2023-0008 to our regularly scheduled meeting on July 6th, 2023.

Seal: Is there a second?

Grace: Second.

Seal: It's been moved and seconded to continue -- continue File No. H-20203-0008 to July 6th, 2023. All in favor, please, say aye. No nays. It is continued.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: And with that I will take one more motion.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: Motion to adjourn.

Smith: Second.

Seal: It's been moved and seconded that we adjourn. All in favor, please, say aye. We are adjourned. Thank you much.

MEETING ADJOURNED AT 6:27 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

ANDREW SEAL - CHAIR MAN

_____|_____|_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK