

Public Hearing for North Meridian Fields (H-2026-0003) by Emily Mueller, generally located at the southwest corner of SH-16 and Chinden Blvd.

- A. Request: Annexation of 71.445 acres of land with the R-8 and C-N zoning districts.

Lorcher: The next item on the agenda is H-2026-0003 for North Meridian Fields at the southwest corner of Highway 16 and Chinden for annexation and we will begin with the staff report.

Napoli: Good evening, Madam Chair, Members of the Commission. Next item on the agenda is the annexation for the North Meridian Fields. The applicant requests annexation of 71.4 acres of land with the R-8 and C-N zoning districts. The R-8 zoning district would consist of 47.8 acres and the C-N zoning district would consist of 23.6 acres. The site is generally located at the southwest corner of State Highway 16 and Chinden Boulevard and as shown on the screen the existing zoning is RUT in Ada county and the FLUM designation is mixed-use interchange and medium density residential. So, the Community Development and Public Works directors made a determination for the subject development allowing for the annexation to move forward without sewer services being readily available. Currently the city is installing a sewer trunk line in McMillan Road that will ultimately serve this property once it's brought up Star Road and, then, to the east. So, the applicant has some -- oh. The subject property falls within the Fields Sub Area Plan at the northwest corner of the city's area of impact boundary. In accord with the Fields Sub Area Plan the general design identity of this area shall have a cohesive theme that is a modern rural, which applies to housing, amenities, streetscape open space and commercial developments. A high quality design is expected in this area. So, the applicant has submitted a conceptual plan proposing single family detached residence on the southern two-thirds of the site and a commercial development on the north -- the northern third. At this time detailed development plans have not been provided. However, the applicant did provide a road layout and open space layout for the larger residential portion of the development. This provides some high level information into the integration of the residential and commercial uses, as well as Cole Valley Christian School, which will be directly to the south, which is already annexed into the city, but is awaiting to develop. In the applicant's narrative they propose to exclude the following uses, including fuel -- fuel sales facilities, convenience stores, storage facilities and vehicle washing facilities. As the mixed-use interchange is intended for low traffic generating uses, staff recommends further restricting the permitted uses by prohibiting drive-through establishments, vertically integrated residential uses and retail stores exceeding 10,000 square feet. The primary reason behind this is to not allow big -- big box retailers and drive-throughs as they will generate significantly more traffic than the mixed-use interchange designation is intended for. The applicant has depicted the primary access points for the development coming off the future extension of North Owyhee Storm Avenue, a collector roadway, which is currently almost stubbed to this property line. There is a little bit of a road trust that was put up to get it fully to the property line, but it will be extended in the future and will connect to the south and this extension will lead to

a future signaling with -- at Chinden Boulevard. In addition, the applicant is proposing to construct two east-west collectors that would connect North Ersatz Road -- or North Ersatz Place with Owyhee Storm Avenue in the future and that would be collector one and collector two would be down here. So, many of the details that would typically be required with an annexation have not been provided, which is why staff is requiring a development agreement modification prior to any future applications or development being submitted. The future DA mod would be required to provide details from the Field Sub Area Plan, Comprehensive Plan and UDC, as well as updating the overall concept plan, so we can see how the mixed-use area really integrates with one another with the residential and the future commercial. So, staff has had conversations with the applicant about this and they will be proposing some changes to the development agreement provisions for you guys tonight with their presentation. There is a few things that they are not in agreement with staff on, so we will discuss that after their presentation. So, staff is recommending approval with a development agreement and we have not received any written testimony at this time and I will stand for any questions and I did want to say they are building -- they did submit conceptual building elevations for you guys to look at. It's more conceptual at this point, than, provide super in-depth information, but that would be something that we would hope to get with future development agreement modification as well and here are the DA provisions that are in the staff report. And now I will stand for questions.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: Since this will be a DA mod it typically doesn't come before Planning and Zoning? It will go straight to Council or --

Napoli: Madam Chair, Commissioner -- yeah. Commissioner Perreault. Yes, the future development agreement modification would go straight to City Council. So, it wouldn't be -- right now they are just requesting annexation. So, they are getting their DA, but in the -- in the DA that we created it does require them to come back with a DA mod, which would only be required to go in front of City Council. However, they are going to have to plat the property as well and the preliminary plat will be seen by Commission as well. So, those could be potentially done concurrently and that would be I think the preference from staff. Correct.

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

Mueller: All right. Good evening, Madam Chair and Commissioners. My name is Emily Mueller. 839 South Bridgeway Place in Eagle. I represent the applicant team, 5B Holdings, who is the owner of the property and Idaho Holdings with -- who submitted the application. We want to first thank staff for their review of this working with us. As Nick alluded, we have been in conversations and will continue to be in conversations up until the City Council hearing to discuss some of the finer points of those staff conditions that I will address, but do want to thank them for their discussion with us and continue

discussion. So, as staff said this property is 70 acres southwest of the future Highway 16 intersection with Chinden-20/26. It is north of the Cole Valley future school site. We have been in discussions with them about their timing and like them we will be dependent on a new sewer line that is being constructed. The sewer lift station is further west on McMillan and Can-Ada and the city's project is bringing the sewer -- the main line and the first line to Star Road and, then, at that point sewer will really be available for a developer to come and get it and there is a couple different ways this property could sewer. One is to go up through Star Road and over. I think that's in the city's master plan or we could work with the school to -- to sewer that way as well. So, water is available to the east. So, as -- as sewer isn't available at the current moment we would wait to develop until -- I believe that sewer should be in Star and McMillan -- I think is scheduled for the end of 2026. So, they are working fast and we have been keeping track of -- of that construction update. The city of Star is to the north of this project. The city of Star also has designated their property to the north of this for largely commercial use and, then, some higher density residential up here. So, that -- it's consistent with, you know, Star's boundaries to the north and -- and, then, the only other development -- pertinent development in the area is this -- I believe it's about ten acres -- is a storage facility that was developed in the county and so that is in the county and when that developed they constructed their portion of the Owyhee Storm Boulevard, which will, per its name, go down towards Owyhee High School and will border this site to the west. So, as part of staff's conditions we would build our share of that collector road, plus 12, to make it a functional street -- streetway. And to that point with traffic we would be submitting a traffic impact study once we come forward with -- with future applications. So, the applications tonight are just for annexation and zoning and initial zoning with a development agreement and future applications would be for a preliminary plat, any CUPs that we think are appropriate, a development agreement modification to the extent that it's required. This property is included in the City of Meridian Fields Specific Area Plan that was adopted I believe in 2021. So, the city did recently look at this. It is four square miles of really kind of this last area of Meridian. That sewer lift station is going to bring this online and this is just really a great area of Meridian that we are excited to be a part of. That specific area plan and the future land use map designate for mixed-use interchange and medium density residential. The annexation is appropriate here, because all owners have consented to the annexation and the property is contiguous to city limits within the city area of impact and services will be provided in a reasonable amount of time. As staff presented, the zoning that we are requesting is commercial zoning along Chinden. Twenty-three acres of neighborhood business and commercial use and, then, 47 acres of medium density residential. Both of those are consistent with the Comprehensive Plan and the future land use map Fields Specific Area Plan. The commercial is approximately situated near -- you know, off of Highway 20/26 near Highway 16 and the future collector roadway. There will be a plan for a stoplight at Owyhee Storm Boulevard and Chinden and so, again, in -- in conjunction with Star's development to the north, which is commercial, fits well within -- we are not in a vacuum here, so -- and, then, the residential is also an appropriate zone and helps meet some of the Comprehensive Plan guides of developing housing near schools, near commercial use and, yeah, providing some of those housing needs. As staff said, we have provided some design guidelines that we believe meet the Fields Specific Area Plan to provide somewhat of a rural architectural theme, more modern

farmhouse styles, with, yeah, those clean architectural lines, shed roofs, gable roofs and the materials that we feel are consistent with that design architectural standard. Additionally we have provided the pathways that -- that match the Comprehensive Plan and the Fields Specific Area Plan for connectivity amongst the commercial-residential uses and, then, down to the school. In the staff report staff also noted that, yeah, there needs to be -- with future preliminary plats, connectivity and emphasis on those pedestrian pathways, which we a hundred percent agree with. As staff noted we are in agreement with the majority of their conditions of approval, but would ask to change three of them. The first is to A-C. As staff noted we looked at the Institute of Traffic Engineers -- the ITE Traffic Manual and looked at what are those most intensive traffic uses that staff and the Comprehensive Plan want to avoid in this area and those that we saw were gas stations, convenience stores and car washes and some of those other traffic generating uses. Drive-through establishments are a conditional use, so if we ever wanted to propose a drive-through we would need to come with a conditional use permit and meet the standards of a conditional use permit application. Mark Bottles and myself agree that drive -- not all drive-through uses are the same. There are some drive-through uses that are traditionally very high traffic and, then, there are some that are not and post-COVID the market has really demanded that of even non-traditionally thought of drive-through uses. So, you know, your Chipotle or your Costa Vida, things like -- of that nature. So, we want to -- we -- we request that drive-through establishments not be categorically excluded at this time and would appreciate the opportunity to -- in the future, if we feel there is a use and a specific user and concept plan that match that, could bring that forward with a conditional use permit in the future. Similar reasoning also applies to this second change that we are requesting, which is to strike the requirement that retail commercial uses be restricted to building sizes of ten thousand square feet. There is a broad array of retail uses, broad array of traffic generation and so -- and -- and really looking at the traffic generation model, smaller footprints, smaller buildings, smaller retail uses actually generate more traffic in the aggregate than a single -- a single larger establishment. So, again, we just disagree I guess with the analysis that this is categorically going to bring more traffic. Really, any kind of strip retail or smaller retail here per the traffic manual generates almost twice the traffic per square foot as a larger commercial development. So, in that regard we -- we hear the staff, we have read, you know, the comp plan and -- and we just disagree with the ultimate analysis with that. And, then, finally -- and this is a point that we have talked with staff at length about -- is we would recommend and -- and we would like to say that we don't need a development agreement modification moving forward. We have provided conceptual building renderings, materials and on top of that staff has also provided additional details about what needs to be incorporated into future preliminary plats -- pathway considerations, those sorts of things that we would like that to just be given the direction to us now, whatever we have proposed that doesn't match what they are looking for. Development agreement modifications are not entitled rights and so we don't want to be in a situation that we don't have direction at the point of annexation. So, we would prefer to have that direction now and -- and accordingly we would like to come back with preliminary plats and with any direction that staff has at this point, but not be required to go through a more subjective development agreement modification process. That -- that -- yeah -- would be more subjective in the future. So, we believe that what we have submitted complies with

the Comprehensive Plan and would just ask staff for more direction, rather than waiting for that direction down the road. So, with that I will stand for any questions and we appreciate your time.

Lorcher: I have a question for staff. Bill, we had talked about identifying drive-throughs in small, medium and large for a simplistic way of putting it, where are we in that process?

Parsons: Yeah. Madam Chair, Members of the Commission, those rules are in effect now. So, we do have our Tier 1, Tier 2, Tier 3 drive-throughs and, then, on Tuesday night the ordinance was approved to establish the new process, which requires Tier 2 to come to you and Tier 3 to go to City Council -- or to -- they go to you as a recommending body, but, then, they go on the City Council for approval, so -- and, then, again, Tier 1 would only require conditional use permit if it was next to a residential use. So, it could be a permitted use in -- in a C-N zone. If it -- and, again, those were banks, pharmacies, kind of those low generating traffic uses that Emily was speaking to and where she said she -- they agree that not all drive-throughs are the same and we thought the same thing, that's why we changed our code.

Lorcher: So, Emily, you are aware of those changes; correct?

Mueller: Madam Chair, no, I'm not. I'm sorry, that was adopted on --

Lorcher: It's been in discussion for a while, but you are saying City Council actually adopted it just this past Tuesday?

Parsons: Madam Chair, maybe some clarification. So, the Tier 1, Tier 2 -- Tier 2, Tier 3 changes were approved in October.

Lorcher: Okay.

Parsons: Just aren't currently reflected in the code and, then, the process changes, the -- the -- the process that was chosen to how they would be heard, whether they were administrative or conditional use by P&Z or Council, that was approved on Tuesday night. So, basically, yes, the new -- the -- the new definitions for drive-throughs, the new processes for drive-throughs have been adopted and are in effect.

Lorcher: Okay. So --

Parsons: So, this project -- yeah.

Lorcher: -- since October drycleaners and banks are considered Tier 1, a coffee shop and small -- smaller brand drive-throughs would be Tier 2 and, then, like your In-N-Outs and Raising Cane's would be like Tier 3 and what that means for you is that if you have a client who wants those things, it used to all come through Planning and Zoning and Tier 1 gets director approval, Tier 2 and Tier 3 come through Planning and Zoning, but the ultimate decision for like the big drive-throughs, the really high end brands -- high volume

brands would just go to Council; right? So, I guess the reason I'm -- I'm saying that is that for the drive-through establishments, for your condition of approval for C, we would - - we would just have to kind of see what they are. We will see what the -- the Commissioners say about that, but before we go into public testimony does anybody have any questions for the applicant at this time?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I -- I have kind of a follow-on question of that for -- for staff specifically regarding, you know, the -- the tier that is most concerned -- because on the one hand, obviously, I don't think it would make sense to have it now here and so everything -- would it make sense to restrict to a certain level, but would you be concerned with, for example, Tier 1 not having C -- like Commission level CUP approval and only going to director absent some sort of requirement for a DA mod?

Napoli: Madam Chair, Commissioner Smith, that's a good question. No. And because this is pretty fresh, if I would to go back and write it I would probably allow for Tier 1's --

Smith: Okay.

Napoli: -- because -- I can read it to you. Drive-through -- so Tier 1 would be a drive-through associated with a financial institution, automated teller machine, so an ATM, pharmacy, laundry, dry cleaning, restaurants limited to online or mobile ordering only. So, like a pick-up window that's online ordering or other comparable uses as determined by the director. Typically those would be a lot lower traffic generating than Tier 2 or Tier 3, which would be pretty much any restaurant that actually has an ordering and a pick-up window. So, I think that that would be something staff would be comfortable with would be allowing for Tier 1's, but limiting Tier 2's and Tier 3's.

Lorcher: And just to follow up again, Nick. So, mixed-use interchange, because of Highway 16's impact at that -- at that -- really at the junction of where your property stands, is Tier 2 even allowed in a mixed-use interchange?

Napoli: Madam Chair. So, mixed-use interchange is a -- is a FLUM, so future land use map designation --

Lorcher: Right.

Napoli: -- but it's not a zoning. So, the zoning is what would be tied to what allows drive-through establishments. So, no, I mean in -- in talking with the team and in my analysis, you know, mixed-use interchange is meant for really low traffic generating uses, really not even retail uses, it's more for employment where you actually have trip capture, where people, you know, go stay for the day and, then, they will leave and, then, the -- really the intent behind that is to limit State Highway 16 and Chinden, as we all know, once it actually

is in operation that's going to be a very busy interchange and intersection and trying to push those -- the traffic away from those areas with more of the regional retail users, which we do have plans for in the Fields District is really the intent behind that. So, we don't get big regional draw commercial users that's going to generate, you know, thousands of trips a day where like some big boxes do. So, that's really the intent in the mixed-use interchange is to find uses that are neighborhood serving, because it does allow for some low -- you know, some low density residential or medium to low density residential. But finding the balance between what kind of trip generation and with what we have right now and I don't -- and I know the applicant -- I have talked with the applicant, they don't necessarily have an exact plan for the commercial at this time and that's why they don't have, you know, building shown or drive aisles. So, without having that information it's really hard for me to say, yeah, this looks like it would be something that would be acceptable, because I have -- I don't have any square footages or types of uses to gauge a, you know, traffic generation off of. I can't have that conversation with ACHD, because they don't even know what the uses are going to be and what the square footages are. So, that's kind of the -- the difficulty or the challenge with this.

Lorcher: Got you.

Stoll: Madam --

Perreault: Madam Chair?

Lorcher: Commissioner Stoll first, please.

Stoll: So, Nick, following up on your point that you don't have the information, is that why you are requiring a development agreement modification that you need additional information?

Napoli: Madam Chair, Commissioner Stoll, that is correct. That's really one of the primary drivers is, you know -- especially in I would say with the Commission and with Council they definitely -- more details up front is definitely preferred. So, we can -- and from staff's perspective as well. So, then, we can ensure something is consistent with what was seen. So, we can ensure that the concept plan and what is actually being built is the same or generally can -- or substantially consistent as determined by the director. So, you know, obviously sometimes square footages will change, you know, you will go up 2,000 or go down 2,000 square feet on a commercial building, that we would consider that substantially consistent. We would look at the larger area and find that, but that was correct, you -- you are spot on. Getting that information is why we want the development agreement modification, as well as seeing the integration with the residential uses to the south, because with Cole Valley Christian School to the south, you know, it's K through 12, if I'm not mistaken. You know, there is going to be high school age students that are going to want to go on their lunches or after school go maybe get something to drink, something to eat and it's pretty common. We see that in the city throughout. So, seeing how that integration and all that works is a primary driver behind that development agreement modification. That's correct.

Stoll: Thank you.

Lorcher: Commissioner Perreault.

Perreault: Thank you, Madam Chair. Good evening. So, can you share with us what the purpose would be to annex now, but not have the details in -- in your concept plan and, obviously, you will start paying city taxes and whatnot, but -- but you are quite a ways out from actually having a full plan developed?

Mueller: Madam Chair, Commissioner Perreault, yes, we -- really this is an appropriate - this is an appropriate time to annex. There are -- the city services will be there soon. The school is, you know, going to get going and we -- you know, at this time we think that -- I guess what I -- how I would answer that is we agree with the Comprehensive Plan. We are not asking for a Comprehensive Plan map amendment and we agree with, you know, all the guidelines pretty much that they are giving in terms of integration, in terms of how it fronts that, but the uses -- yet we -- we don't have an exact user yet, but I think that we really can -- you know, once rooftops get there I think we need to see rooftops and see plans come in place until those commercial users -- even office development, all those kinds of things will come in. So, I think really from a developer's perspective having a plan in place really is a catalyst, then, to get those users in and -- and -- and -- and -- which is why we will agree to different design guidelines and those sorts of things right now.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: So, I remember when The Fields Area Plan was being developed and put together and the intention of it was for it to look different than other parts of Meridian, have a different feel, a little bit more of a neighborhood feel rather than a -- kind of a bigger commercial feel and also to have a real variety of housing types and -- and just having the R-8 I don't -- I don't think that really meets sort of the intention. So, I'm curious if the developer has considered or looked at options of giving more variety of housing.

Mueller: Madam Chair, Commissioner, thank you. The R-8 does allow for, obviously, a range of single family product types. So, I believe the single family lot minimum is 40 feet of street frontage and the developers -- the different -- so, we won't develop it ourselves. We work with a number of different local and national home builders, really a wide range, and it -- it really becomes market driven in terms of what product type they want to develop. You know, not a lot of home builders are wanting to do townhomes right now, because, really, the -- the cost to build townhomes is really the same as a single family home, but the value in a single family home detached is there much longer and is much greater for those homeowners and, you know, sometimes you might think that more single family developers want to do just -- you know, would do the minimum -- would do 40 feet, but a lot of developers right now are wanting to do at least 60 feet wide lots, but that's

really what this market is and -- and so it just gives some flexibility. I think there is flexibility within the R-8 zone, while also staying within the Comprehensive Plan and, yeah, we -- you know, it's a big -- it's a big area. There is -- it's four square miles. There is a lot of other areas designated for medium high density, designated for apartments all throughout it. So, this really is that single family and the R-8 zone is kind of the perfect zone to allow for that flexibility in this specific type of product, which would be a detached single family house.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. I would appreciate some -- some clarity. I think you said something earlier -- specifically looking at like -- looking at A-F -- kind of this last section that is kind of intentional with kind of the conversation that I think we are having, which is on one hand you are asking kind of for some more guidance from staff and -- and more direction, rather than waiting until down the line. On the other hand, it seems like the staff's kind of trying to give you that by saying, hey, here are some areas that we would restrict, you know, we would want to see restricted. Here are some areas that we think don't make sense here. Here is some guidance of, you know, as you are looking for different customers. Help -- help me understand how we square that circle. Like on one hand you are kind of asking for some more guidance is -- yeah, I guess I'm just -- I'm -- I'm struggling to understand what about the -- the guidance itself, is -- is it that it's too restrictive? Is it that it's -- maybe not the guidance you are hoping for -- if you could help me.

Mueller: Thank you, Madam Chair and Commissioner Smith. Yes, so with regard to those uses, like the actual uses, that is guidance from staff that we expressly disagree with, those two uses and -- and the -- the CUP with the drive-through -- like, so that's a use; right? And so, for example, we -- yeah, we think that there should be some drive-through uses allowed here. So, to that extent we -- we disagree with that guidance. The staff report -- I think with regard to the design standards -- and, I'm sorry, the staff report -- this doesn't have pages on it, but it's C, design standard analysis, C-A -- I think -- and that's in bold. To my understanding and -- and staff can -- I don't want to speak for them, but in some of our conversations this is some of the design guidelines and -- like when, you know, staff said, hey, well, with your commercial we don't have your layout, so we don't know if you are going to include a plaza area between the commercial and the residential. So, that's the first bullet point. So, we need a DA mod so that we can make sure you include a plaza area. My suggestion is how about we put that in the development agreement now that says in your commercial you will include a plaza area between the commercial and residential. That's an example.

Lorcher: Any other questions for the applicant before we take public testimony? Okay. I think we are good. Thank you.

Mueller: Thank you.

Lorcher: Madam Clerk, do we have anybody in advance to sign up to testify?

Lomeli: Thank you, Madam Chair. I have Darcy Hart.

Lorcher: Hi. If you can state your name and address for the record that would be great.

Hart: Sure can. Good evening. For the record, Darcy Hart. P.O. Box 1304, Eagle. My partners and I own the parcel to the north at 7015 Chinden. We have the storage facility.

Lorcher: Oh. Okay. Yeah.

Hart: We were so excited to see this meeting invitation for the neighborhood meeting.

Lorcher: Uh-huh.

Hart: However, it was a little underwhelming to say the least. The one page letter contained no project description or site plan. We also noted that there was no preliminary plat or landscaping -- nothing to describe the project itself and we now understand why that is. There has been no traffic impact study, no actual preliminary plat submitted, nothing substantial for review. We also noted that 48 acres with an R-8 zoning allows for 384 single family residences. Now, that's not much of a small ask in my opinion. Without a traffic impact study how can they ask for modifications to any conditions? While my team and I are very excited to see the growth in the area, we benefit from it as well. Two things can be true at the same time. Rezone and annexation should be the result of a materially complete heard and approved application by all agencies involved. If the applicant disagrees with the analysis they need to provide their own for review. This evening the applicant is requesting your approval for the maximum allowable residential density, while giving nothing of substance for any of you to review. They seek the valuation of an R-8 rezone on this parcel with the possibility of nearly 400 single family homes, with no preliminary plat. I must point out also the applicant is listed as a stakeholder for the remitting -- the Meridian Fields Sub Area Plan and sat in years ago to assist and give input while this area was designed. I think we could do better. While there is a determination by the Meridian Public Works the parcel can be annexed today, the trunk line sewer connection is roughly a year or more away. This gives the applicant plenty of time to prepare a preliminary plat, a landscaping plan and conduct a traffic impact study for review. Further, when you look at the exhibit in the packet, Exhibit D, showing the concept plan, it depicts a proposed road design and amenity and a park, but without a preliminary plat for ACHD to review it's I guess at its very best. My partners and I are humbly requesting the application be held pending the completion of the required items, as they are attempting to forego them tonight. Once those requirements are met this application can be heard as process dictates. Thank you for your time.

Lorcher: Thank you. Madam Clerk, do we have anybody else to testify?

Lomeli: Madam Chair, no one else has signed up and nobody is in attendance online.

Lorcher: Is there anybody else in Chambers that would like to speak? You guys good? Would the applicant like to come forward and address Ms. Hart's concerns.

Mueller: Thank you, Madam Chair and thank you, Commissioners. I understand -- I just wanted to address the density. I'm not exactly sure where Ms. Hart is getting 400 units. Maybe she is concerned -- maybe she is confusing R-8 with saying that that allows eight dwelling units to the acre. That's not how the City of Meridian code works. It's not like R-8 means eight dwelling units to the acre. It's a dimensional standard. So, I -- I can just say that to the extent that that's -- I don't know if she did a site layout to see with all the dimensional standards how that would work, but that would be eight dwelling units to the acre, which I don't know how you would make that work with single family homes. So, that was really the only thing. Again, we will do a traffic impact study and that will be part of a preliminary plat application and any commercial uses. So, definitely we will be doing that and we will be abiding by any kind of ACHD or ITD requirements at the time. Thank you.

Lorcher: Thanks. May I get a motion to close the public hearing?

Smith: So moved.

Stoll: Second.

Lorcher: It's been moved and seconded to close the public hearing for North Meridian Fields. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: I think with the -- we are all getting used to the Tier 1, Tier 2 and Tier 3 of the drive-through uses, because it's kind of new language for us. To completely eliminate drive-through establishments on number 4-A and C, I agree with the applicant on that, but maybe it would be allowed drive-through establishments Tier 1 and staff had indicated that that might be allowable. For mixed-use interchanges -- and considering I -- I live in one as well for Highway 16, to be able to have a ten thousand square foot store in a possible very congested area I think will be challenging and that's why the DA modification for at least the commercial part of it, along with your preliminary plat, to me would be essential. You want clarification, but the city needs transparency and so by providing the DA modification, then, there is no surprises and because not only do you disagree, but we also have challenges not only with this Commission, but with City Council when it comes to intended uses for any zone or use on the FLUM, like mixed-use interchanges, it can be interpreted in other ways. It may be your interpretation that we are following the rules, but the reason why we manage each application individually is because the corner of Franklin and Black Cat is a lot different than the corner of Chinden and McDermott, even though they may be zoned the same way, but their intended uses are going to be different and the fact that your application right now is just two colors and very very vague leaves me hesitant to approve these conditions of approval, because -- of yours, because I think there needs to be more information, especially going to Council and I think

annexing you into the city is the right choice if this is the right time, even though that substation is not available, that's your choice. That's fine. But through the DA modification and the preliminary plat and any other conditional use permits that we might need for the commercial part of it -- and including the R-8 I think needs to be better defined and you can do that during that permitting process. So, because we have a usual and customary way of -- of managing how those next steps go, I don't think those should be foregone here. So, to summarize my thoughts, yes, you should be annexed. No, I don't think your conditions of approval -- your cross-outs should be included at this time.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: Thank you. I agree with you on the conditions of approval, although I feel like that conversations even preliminary I -- I just didn't hear from the applicant a really compelling reason to annex this right now. It's just going to sit and there is not really anything that can be done until we have the details that will be needed for the DA modification. I imagine there is some financial planning maybe on their part that -- or perhaps they feel it's necessary to be annexed to have discussions with end users and that's okay, but this obligates the city to provide services to this area and obligates our taxpayers and I just don't -- I -- I'm just not understanding why the need would be necessary now. I would rather wait and see. I mean annexation that -- annexation is the -- the first -- very first kind of latitude that we have to -- to see some, you know, more clarity, more information on -- on what the applicant intends and so I'm always hesitant to sort of give up that ability as a decision maker until we have more information.

Lorcher: Okay. Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I generally agree kind of with your position. I -- I -- I think I'm okay with annexing at the time given some of the kind of -- I think direction and feedback planning staff has gotten at a director level from what I understand. Yeah. I -- I think there is -- there is a disconnect here, though, regarding these conditions and regarding the planning. Give me grace when I say this, because I don't want to -- I'm not trying to cast any aspersions or -- or -- or any implications, but it feels like there is almost a desire for planning -- for city staff to act in a project development and project planning capacity, like for the individual sites and -- and their job is to review from the perspective of the city, not to dictate, you know, from whole cloth where everything should go on -- on the map. And so discussing kind of plazas, for example, the staff can't tell where the plaza should probably go until they see where the rest of the -- the plan -- what the rest of the plan looks like. They can't dictate how, you know, traffic impact should be incorporated into the plan until they have something to, you know, look at regarding a traffic impact study or things like that. So, I think from -- from the city perspective it seems like services are

already kind of being extended this direction. I don't feel like there is an obligation that the city is -- an additional obligation that we place on the city beyond what is already kind of in the intention for -- for the near future from what I understand. I really do think, though, that absent some sort of development agreement requirement or future DA mod requirement, that there is just not enough developed here to -- to sink your teeth into. I agree, I think that especially given that staff is okay with it, allowing Tier 1 would make sense, honestly, if this were more developed I might even be personally okay with the Tier 2 allowance. But we don't have -- again, we don't have that -- that level. I could see a Tier 2 kind of amount of volume here potentially for -- for some smaller kind of restaurant drive-through things like that, but, again, without more clarity and without more transparency into the actual plans I know the -- I know the applicant is not the developer themselves or the -- the intended, you know, builder of -- of -- you know, doing the -- the actual build out of -- of this application. So, they don't have all that visibility, you know, locked in place. But, yeah, I think because of those reasons we need to kind of limit that to, you know, absent some sort of DA mod or some -- some sort of future application. So, I -- I'm okay with the annexation. I think all staff's -- you know, staff's recommendations make sense absent, you know -- we can allow Tier 1 -- Tier 1.

Stoll: Madam Chair, I'm -- I'm in agreement with your positions, particularly in agreement because the directors have said that it's okay to do the annexation at this point in time, even though the sewer facilities are not present. I would never -- okay. I would not be supportive of the annexation without the development agreement modification given the lack of detail that we currently have. I wouldn't recommend moving forward. Okay. So, now we will try it. All right. So, if we -- and I am in agreement with having the Tier 1 drive-throughs on there, so --

Lorcher: Commissioner Gelsomino, do you have any comments?

Gelsomino: Madam Chair, I will echo my fellow Commissioners.

Lorcher: Okay. Thank you. Anybody want to take a -- try a stab at a motion?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: After considering all staff, applicant and public testimony I move to recommend approval to the City Council of File No. H-2026-0003 as presented in the staff report for the hearing date of March 19th, with a modification to allow for Tier 1 drive-throughs.

Gelsomino: Seconded.

Lorcher: It's been moved and seconded to approve North Meridian Fields. All those in favor say aye. Any opposed motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

